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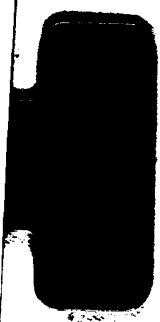
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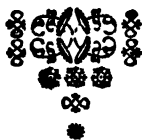
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F R O M

1764 T O 1775.



L O N D O N :

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ADVERTISEMENT.

AT the Request of many Gentlemen, a Collection is here presented to the Public, of the principal Facts and Papers respecting the Dispute between Great Britain and America before the Commencement of Hostilities. The REMEMBRANCE beginning with the first Hostilities, this Collection of PRIOR DOCUMENTS has been desired, as necessary to accompany that Work.



PRIOR DOCUMENTS.

THE dispute between Great Britain and America commenced in the year 1764, with an attempt to prevent smuggling in America. There are some persons who apprehend the seeds of it were sown much earlier.* They may be right.—But it is not the design of this compilation to explain motives, or explore latent causes. The object here is, to present an impartial collection of authentic Documents; with such additions only, as are absolutely necessary to connect the narrative.

In 1764, the British ministry having come to a resolution, to prevent, as much as possible, the practice of smuggling, not only the commanders of the armed cutters stationed on the British coasts, but of the ships sent to America, were ordered to act in the capacity of revenue officers, to take the usual Custom-house oaths, and observe the Custom-house regulations ; by which that enterprising spirit of theirs, which had been lately, with great success, exerted against the common enemy, was now directed and encouraged against the subject. Trade was injured by this measure. The gentlemen of the navy were not acquainted with Custom-house laws, and therefore many illegal seizures were made. The subject in America could get no redress but from England, which was tedious and difficult to obtain.

* See Remembrancer, vol. 1, page 24.

A trade had for many years been carried on between the British and Spanish colonies, consisting of the manufactures of Great Britain, imported by the British colonies for their own consumption, and bought with their own produce; for which they were paid by the Spaniards in gold and silver, sometimes in bullion and sometimes in coin, and with cochineal, &c. occasionally. This trade was not literally and strictly according to law, yet the advantage of it being obviously on the side of Great Britain and her colonies, it had been connived at. But the armed ships, under the new regulations, seized the vessels; and this beneficial traffic was suddenly almost destroyed. Another trade had been carried on between the North American colonies and the French West India islands, to the great disadvantage of both, as well as to the mother country. These matters had been winked at many years, in consideration of the quantity of manufactures our North American colonies were thereby enabled to take from us. This advantageous commerce not only prevented the British colonies being drained of their current specie by the calls of the mother country, but added to their common circulation of cash; which encreased in proportion with the trade. But this trade being also cut off, by the cruizers, all America became uneasy.

On the 10th of March, 1764, the House of Commons agreed to a number

number of resolutions respecting the American trade; upon a number of which, a bill was brought in, and passed into a law, laying heavy duties on the articles imported into the colonies from the French and other islands in the West Indies; and ordering these duties to be paid, in specie, into the Exchequer of Great Britain. As to the Spanish trade, the Court of Madrid had always been against it; and in complaisance to that Court, as well as in compliance with the old law, and treaties with Spain, it continued to be prevented, as much as possible.

The Americans complained much of this new law; and of the unexampled hardship, of first being deprived of obtaining specie, and next being ordered to pay thenew duties, in specie, into the Treasury at London; which they said must speedily drain them of all the specie they had. But what seemed more particularly hard upon them, was, a bill brought in the same session, and passed into a law, "To restrain the currency of paper money in the colonies."

At the end of the session, the King thanked the House of Commons, for the "wise regulations which had been established to augment the public revenues, to unite the interests of the most distant possessions of his crown, and to encourage and secure their commerce with Great Britain."

Extract of a letter from Pensacola, West Florida, dated Dec. 13, 1764.

"Every thing here is put into a dull state, by the men of war obstructing the Spaniards from trading with us. We had four vessels here lately, but they were not permitted to trade, which is the greatest misfortune that could have befallen us in this young settlement, and which I think at the same time will be no small loss to our mother country,

being thereby prevented from vending a very considerable quantity of its manufactures."

Letters to the same purport came from all the colonies.

Extract of a letter from Kingston, in Jamaica, dated Jan. 27, 1765.

"Kingston, which used to be a place of great trade and hurry, is become as still as a desert, since we were so wise to banish our best friends the Spaniards, and now the current of that valuable commerce is turned in favour of the French and Dutch, who have made their ports free, and taking the advantage of our misconduct, have promised them safety, and so deal with them for all the European goods, upon the same terms the English did. Were I to depend on the sale of goods I had from you, I should not be able to remit the money these two or three years."

Part of a letter from Jamaica to a friend in London, dated May 12, 1775.

"We are in the most deplorable state ever known in this island: that channel through which all the money we had came among us, is entirely stopped up; and, what is most astonishing, is, that this measure should be taken with you, who receive so much benefit from the encouragement of it."

The Continental Colonies were exceedingly offended. In several places the inhabitants had meetings, and they resolved, in resentment, not to buy any cloathing they could possibly do without, that was not of their own manufacturing. Several associations were formed, and it was resolved, every where, to consume as few British manufactures as possible; and to set about manufacturing some articles themselves, the materials of which they had in great plenty of their own production.

Boston,

Boston, (in New-England) March 30, 1765. Funerals without mourning, or the giving of English gloves, is become so fashionable, that there has been but one burial for many months past in the old fashion way. We are much indebted to those patriots who first set this example of frugality, by which this town only has made a saving last year of near 10,000*l.* sterling. Other towns and provinces have copied the example, and experience its utility. It is a pleasure to behold what other savings are made by laying aside a multitude of superfluous articles of British manufactures and British produce.

At the same time (March 10, 1764) the House of Commons resolved, that it was proper to charge certain stamp duties in the colonies and plantations.

This resolution was not this year followed by any bill, being only to be held out as an *intention*, for next year. It was proposed, and agreed to, in a thin House, late at night, and just at the rising, without any debate.

The assemblies of Massachusetts-Bay and New-York, were alarmed at this resolution. They came to some resolutions upon it; which, with a petition from each, to the House of Commons, against it, were transmitted to the Board of Trade in England. They were laid before the Privy Council on the 11th of December, 1764. The Privy Council advised the King to lay them before Parliament. They were never laid before Parliament—they were suppressed.

In the spring of 1765, the American agents in London were informed by administration, That if the colonies would propose any other mode of raising the sum intended to be raised by stamp duties, their proposal would be accepted,

and the stamp duty laid aside. (*See third volume of Remembrancer, page 253*). The agents said they were not authorized to give any answer, but that they were ordered to oppose the bill when it should be brought into the House, by petitions questioning the right claimed by parliament of taxing the colonies.

The bill laying a stamp duty in America, passed in March 1765.

The following was printed at the time as part of the Debates on the bill:

Mr. Grenville, after speaking long in favour of the bill, concluded with saying, “These children of our own planting (speaking of the Americans) nourished by our indulgence, until they are grown to a good degree of strength and opulence, and protected by our arms, will they grudge to contribute their mite to relieve us from the heavy load of national expence, which we lie under?”

Colonel Barré replied, “*Children planted by your care!* No! your oppression planted them in America; they fled from your tyranny, into a then uncultivated land, where they were exposed to almost all the hardships to which human nature are liable, and among others, to the savage cruelty of the enemy of the country, a people the most subtle, and I take upon me to say, the most truly terrible, of any people that ever inhabited any part of God’s EARTH; and yet, actuated by principles of true English liberty, they met all these hardships with pleasure, compared with those they suffered in their own country, from the hands of those that should have been their friends.

“*They nourished up by your indulgence?* They grew by your neglect of them: as soon as you began to care about them, that care was exercised

erficed in fending perfons to rule over them, in one department and another, who were, perhaps, the deputies of fome deputy, fent to fpy out their liberty, to mifrepresent their actions, and to prey upon them; men, whofe behaviour, on many occafions, has caufed the blood of thofe fons of liberty to re-echo within them; men promoted to the higheft feats of juftice, fome, to my knowledge, were glad, by going to foreign countries, to efcape being brought to a bar of juftice in their own.

"They protected by your arms? They have nobly taken up arms in your defence, have exerted their valour amidft their conftant and laborious induftry, for the defence of a country, whofe frontiers, while drenched in blood, its interior parts have yielded all its little favings to your enlargement; and believe me, remember I this day told you fo, That the fame fpirit which actuated that people at firft, will continue with them ftill; but prudence forbids me to explain myfelf any further. God knows, I do not at this time fpeak from motives of party heat. However fuperior to me, in general knowledge and experience, any one here may be, yet I claim to know more of America, having feen and been more converfant in that country. The people there are as truly loyal, I believe, as any fubjects the King has; but a people jealous of their liberties, and who will vindicate them if they fhould be violated;—but the fubject is delicate. I will fay no more."

At the end of the feflion, the King faid to the Houfe of Commons, "I have feen, with the moft perfect approbation, that you have employed this feafon of tranquility in promoting thofe objects which I have recommended to your attention, and

in framing fuch regulations as may beft enforce the juft authority of the legiflature, and, at the fame time, fecure and extend the commerce, and unite the interefts of every part of my dominions."

The objections of the people of America to the ftamp act, were of three kinds.

First, The powers given by the act to Vice-Admiralty courts in America, they faid, would prove exceedingly grievous to the fubject, by the diftance of them; and more fo, by depriving the fubject of his trial by jury, which was allowed in England.

Secondly, Becaufe the ftamp duty would entirely drain the colonies of their fpecie.

Thirdly, Not being represented in the Parliament of Great Britain, that Parliament, they affirmed, had no right to tax them. Themfelves only were the proper, and beft judges of their ability; they claimed a right to the exercife of this judgment, and to the fole and exclusive right of impofing taxes upon themfelves.

As foon as they were informed the ftamp act had paffed, the whole continent of America was thrown into a flame.

The province of Virginia took the lead. On the 29th of May, 1765, the Houfe of Burgefles of Virginia, came to the following refolutions:

Whereas the Honourable Houfe of Commons in England, have of late drawn into queftion, how far the General Affembly of this colony hath power to enact laws for laying taxes and impofing duties, payable by the people of this, his Majefty's moft ancient colony; for fettling and afcertaining the fame to all future times, the Houfe of Burgefles of this prefent General Affembly have

have come to the several following resolutions :

Resolved, That the first adventurers and settlers of this his Majesty's colony and dominion of Virginia, brought with them, and transmitted to their posterity, and all other his Majesty's subjects since inhabiting in this his Majesty's colony, all the privileges and immunities that have at any time been held, enjoyed, and possessed by the people of Great Britain.

Resolved, That by the two royal charters granted by King James the First, the colonists aforesaid are declared entitled to all privileges of faithful liege and natural born subjects, to all intents and purposes, as if they had been abiding and born within the realm of England.

Resolved, That his Majesty's liege people of this his most ancient colony, have enjoyed the right of being thus governed by their own assembly, in the article of taxes and internal police, and that the same have never been forfeited, or any other way yielded up, but have been constantly recognized by the King and people of Great Britain.

Resolved, Therefore, that the General Assembly of this colony, together with his Majesty or his substitute, have, in their representative capacity, the only exclusive right and power to lay taxes and impositions upon the inhabitants of this colony; and that every attempt to rest such a power in any person or persons whatsoever, other than the General Assembly aforesaid, is illegal, unconstitutional, and unjust, and has a manifest tendency to destroy British, as well as American freedom.

The following Resolves were not passed, only drawn up by the Committee.

Resolved, That his Majesty's liege people, the inhabitants of this co-

lony, are not bound to yield obedience to any law or ordinance whatsoever, designed to impose any taxation whatsoever upon them, other than the laws and ordinances of the General Assembly aforesaid.

Resolved, That any person who shall, by speaking or writing, maintain that any person or persons, other than the General Assembly of this colony, have any right or power to impose or lay any taxation whatsoever on the people here, shall be deemed an enemy to this his Majesty's colony.

The stamp act was printed and cried about the streets at New York by the title of *The Folly of England, and Ruin of America*. On the 14th of April, the guns at Philadelphia were discovered to be all spiked up, and on looking at those of the barracks, they were found to be served in the same manner, to the great surprize and uneasiness of the inhabitants. Letters arrived in London, from Boston, in New England, dated the 1st and 6th of April, expressing the alarm that the news of the stamp act had thrown the people into, the heart-burnings increased during the summer, and the New York paper, in the beginning of June, 1765, gave sufficient proofs of the temper with which the colonists beheld the approach of the 1st of November, on which day the act was to take place. Letters of the same tenor came from Virginia, dated in June, and from Philadelphia, of the same date.

It was not the populace alone who were discontented, men of property took the alarm. The General Assembly of Virginia having debated on the stamp act, come to the preceding resolutions; the Governor thought fit to dissolve them. But when a new election took place, it did not seem to be composed of men

men of more passive principles, since the electors excluded all those members who did not assent to those resolves, while those who did were all re-elected.

At Boston, in New England, upon the meeting of the Assembly, Sir Francis Bernard, the Governor, delivered the following speech to them :

" Soon after my arrival to this government, I formed in my mind an idea of three improvements which this country was capable of making, profitable to itself and convenient to Great Britain : I mean pot-ash, hemp, and the carrying lumber to the British markets. They are all proper staples for New England, and must be very acceptable to Great Britain, as she is at present supplied with them from foreigners, by a losing trade.

" I have already had the pleasure to see the first of these established with effect, and wanting now nothing but care to preserve its credit, and prevent the general quality of the goods, which is of a superior kind, being rendered doubtful and suspicious, by the fraudulent practices of particulars. This is a necessary caution at the commencement of a new trade ; for upon its first reputation depends its future success. There is already a law for the regulation of this trade, but it wants to be carried into execution ; this I must desire may be done this session, as it is now becoming immediately wanting.

" You have lately given a public testimony of your desire to promote the production of hemp ; I am equally persuaded of your good intentions to the improvement of the lumber trade ; as you must be sensible of the insufficiency of the present markets for the reception of the great quantity of lumber which is

now produced, and which will be continually encreasing. The Parliament of Great Britain has already given encouragement to the one ; and it is hoped that it will also extend its bounty to the other.

" These are proper objects of your concern ; works, which naturally arise in your own country, strengthen your connection with Great Britain, may easily be confined within yourselves, and will soon be superior to those of foreign rivals. When these are added to your own resources, they will form a fund, which, with the blessing of God, upon your industry and frugality, will be adequate to the expence of all necessary imports ; and you will have no occasion, as you have hitherto shewn no disposition, vainly to attempt to transfer manufactures from their settled abode ; an undertaking at all times difficult ; but, under the disadvantage of high-priced labour, impracticable.

" The general settlement of the American provinces, which has been long ago proposed, and now probably will be prosecuted to its utmost completion, must necessarily produce some regulations, which, from their novelty only, will appear disagreeable. But I am convinced, and doubt not but experience will confirm it, that they will operate as they are designed, for the benefit and advantage of the colonies. In the mean time a respectful submission to the decrees of the Parliament, is their interest, as well as their duty.

" In an empire, extended and diversified as that of Great Britain, there must be a supreme legislature, to which all other powers must be subordinate. It is our happiness that the supreme legislature, the parliament of Great Britain, is the sanctuary of liberty and justice ; and that

that the prince, who presides over it, realizes the idea of a patriot King. Surely then, we should submit our opinions to the determinations of so august a body; and acquiesce in a perfect confidence, that the rights of the members of the British empire will ever be safe in the hands of the conservators of the liberty of the whole."

Extract of a letter from Boston, in New England, August 5, 1765.

"As to public affairs, it would take me up a week's time to write all I could say: as to the imposition of the stamp act, (which takes place the 1st of November) it will, I believe, be of short continuance; for it is universally esteemed here as arbitrary and unconstitutional, and as a breach of charter and compact between K—— and subject; and we think we have a right to refuse submission to it.—However, I believe most of the stamp masters will be afraid to act in such station as will stab their country.

"We have two hundred thousand inhabitants in this province, and the others in proportion; so that it is computed there are about two millions in the whole: from hence you will think it is too late in the day to be dragoon'd out of our rights.

"I have been here above sixteen years, and I don't know of one single man but would risque his life and property to serve King George the Third; and would do the same to maintain his rights, liberty, and property.—Touch our Birth-right, and our body politic; like the human body, sensibly feels it, and would do its utmost to shake it off.

"The Custom-house books will shew, that 3000l. less is collected since the duty of molasses has been three-pence, than when one penny: your small men of war have eat the

King's provisions in guarding the coasts; but have brought neither profit nor credit to their employers."

These discontents were general; and they were increased by what they styled an utter inability to pay the tax in specie.

About the beginning of August, the colonists began seriously to think of the steps they were to take. A General Congress of representatives of all the Colonies, was agreed on, to meet at New York. The freemen of Providence, in Rhode Island, were called together, "to confer on such measures, " as "should appear to them necessary, relative to the stamp act; whereby the liberties, the darling boast of the English North American subjects, which were once deemed indefeasible, must be greatly abridged, if not totally annihilated." And accordingly they met, and appointed a committee to prepare suitable instructions to be given their representatives, for their conduct in the General Congress, on that occasion. These instructions were prepared, and the freemen being again convened the next day, were laid before them, and approved of. The same steps were also taken by the province of South Carolina.

The house of representatives at Boston, resolved, That the honourable James Otis, Thomas Ruggles, and Oliver Partridge, Esqrs. be a committee, to meet the committees of the Assemblies of the whole continent, at New York, October 1, to unite in a petition to his Majesty and the British parliament, for relief under the insupportable grievance of the stamp act.—This was the First Congress of the American Continent.

On the 10th of September, the assembly of Philadelphia, having appointed

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appointed a committee to attend at the general congress at New York, a letter from the speaker of the Massachusetts assembly was read, and the house came to the following resolutions on the questions :

First, Whether the house are of opinion, that, in duty to their constituents, they ought to remonstrate to the crown against the stamp act, and other late acts of parliament, by which heavy burdens have been laid on the colonies.

Resolved in the affirmative. Secondly, Whether this house will appoint a committee of three, or more of their members, to attend the congress proposed in the foregoing letter, to be held at New York on the first of October next, for the purposes therein mentioned.

Resolved in the affirmative.

Extract of a letter from Boston, in New England, August 26.

"Very early on Wednesday morning, the 14th instant, were discovered hanging, on a limb of the great trees, so called, at the South part of this town, two effigies, one of which, by the labels, appeared to be designed to represent a stamp officer, the other a jack boot with a head and horns peeping out of the top. The report of the images soon spread through the town, brought a vast number of spectators, and had such an effect on them, that they were immediately inspired with a spirit of enthusiasm, which diffused itself through the whole concourse ; so much were they affected with a sense of liberty, that scarce any could attend to the task of day-labour. About dusk the images were taken down, placed on a bier (not covered with a sheet, except a sheet of paper which bore the inscription) supported in procession by six men, followed by a great con-

course of people, and in the greatest order, echoing forth, Liberty and Property ! No Stamp, &c.—Having passed through the town-house, they proceeded with their pageantry down King-street, and thro' Kilby-street, where an edifice had been lately erected, which was supposed to be designed for a stamp-office. Here they halted, and went to work to demolish that building, which they soon effected, without receiving any hurt, excepting one of the spectators, who happened to be rather too nigh the brick wall when it fell. This being finished, many of them then loaded themselves with the wooden trophies, and proceeded (bearing the two effigies) to the top of Fort-hill, where a fire was soon kindled, in which one of them was burnt. The populace after this went to work on the barn, fence, garden, &c. and here it would have ended, had not some indiscretions, to say the least, been committed by his friends within, which so enraged the people they were not to be restrained, though hitherto no violence had been offered to any one. But it is very remarkable, though they entered the lower part of the house in multitudes, yet the damage done to it was not so great as might have been expected.

"The next day the honourable gentleman, who had been appointed to the duty of distributor of the stamps when they should arrive, supposing himself to be the object of their derision, informed the principal gentlemen of the town, that as it appeared so disagreeable to the people, he should request the liberty of being excused from that office ; and in the evening the populace re-assembled, erected a pyramid, intending a second bonfire ; but upon hearing of the resignation, they desisted, and repaired to the gentleman's

gentleman's gate, gave three cheers, and took their departure without damage; but having heard it propagated that an honourable gentleman, at the north part of the town, had been accessary in laying on the stamp duties, &c. they repaired to his house, where, upon being informed by some gentlemen of integrity and reputation, that he had not only spoke, but wrote to the contrary, they retired, and having patroled the streets, returned to their respective habitations, as quietly as they had done the night before."

Extract of a letter from a gentleman in Philadelphia, to his friend in Bristol, Sept. 7, 1765.

"I make no doubt you have been informed, by letters from your friends, as well as by our public news-papers, of the great commotions throughout our colonies in general, which daily increase on account of the late stamp act for raising money amongst us: What adds to our uneasiness is, that we hear our brethren in England censure us severely, from a mistaken opinion that we are unwilling to pay our proportion towards relieving the nation from the heavy burden of debt it now groans under. This is by no means the case: We are, and always have been, ready and willing to pay our yearly proportion of that debt. What occasions this general uneasiness and commotion is,—1st. That we are to be taxed by this act, without being represented on your side of the water, or being first heard for ourselves.—2d. That all the monies to be raised by this act are to be remitted home to the King's Exchequer in specie, and not by bills of exchange, or any other remittance.—3d. That if any offence is committed against the act, the offender, if the prosecutor chuses it,

is to be tried by a Court of Admiralty.

"The 1st, the colonists say, is an infringement on the rights and privileges they have ever been entitled to, and enjoyed by their Royal Charter. Had the government at home fixed on any particular sum to be yearly raised and paid by them, and adjusted their several proportions, which they well know how to do, and left it to their several assemblies to raise the money by such ways and means as they should think most easy, it might have been readily complied with.—To the 2d, it is impossible for the colonies to raise one fourth part of so much specie as their tax would amount to, as they do not from all their trade import it. Were the remittance to be made in bills of exchange, they might possibly make it by them.—This third article is so great a stride to arbitrary power, and so great a violation and infringement on English liberty, that no Englishman can submit tamely to it. Why should the King's subjects on this side of the water be deprived of the liberty of being tried by civil authority and twelve honest jurymen more than in England? Were an attempt to be made of this kind with you, every Englishman who has the least sense of his right of liberty would rise in opposition; and you may depend upon it, that unless these three particulars are altered, the colonists will grow more and more uneasy."

In the midst of these heats, Governor Fauquier prorogued the General Assembly of Virginia, till the 17th of October; and Governor Wentworth prorogued that of New Hampshire to the 19th of November (eighteen days after the stamp act was to be in force).

Mr. Messerve, the stamp-officer for New Hampshire, was surrounded by

by above three hundred persons (several of whom were men of property) and obliged to engage not to act in his office.

At Providence, a Gazette Extraordinary was published, on the 24th of August, with *VOX POPULI, VOX DEI*, in large letters, for the frontispiece; and underneath, *Where the Spirit of the Lord is, there is Liberty*. St. Paul.—It congratulated them on the spirit of opposition that had already been shewn in divers parts of North America; and went on in these words: "We have glorious accounts from all parts, of the noble spirit of the people in the cause of liberty," and concluded an address to the people of New England, thus: "Let me draw towards a conclusion, by observing the universal spirit which now prevails thro' the colonies, to take all *lawful* measures to prevent the execution of the stamp act here. This laudable zeal hath burst into a flame in Boston, and the exertions of the people in that ancient town, who have heretofore been obliged to struggle for their liberties, when infamously attacked, as their history shews, plainly indicate that the spirit of their fathers rest upon them, and that they preserve in their breasts the noble sensations of freedom."

The flame now ran from province to province, and the spirit of opposition was almost universal; Mr. Ingersoll, stamp officer of Connecticut, had sent to Wyndham to a person whom he had appointed to be his deputy, to come to him at New Haven, to receive his commission; but the inhabitants at Wyndham, having knowledge of the letter he had received, surrounded his house, demanded the letter from him, and warned him not to accept the office, which so terrified him, that the very same post he sent back an absolute

refusal of taking the charge upon him.

The same fate awaited his principal at New Haven, whose resignation of the place of stamp officer was printed in the Boston Post Boy of Aug. 24, in the following words:

To the good People of CONNECTICUT.

"When I undertook the office of distributor of stamps for this colony, I meant a service to you, and really thought you would have viewed it in that light, when you came to understand the nature of the stamp act, and that of the office; but since it gives you so much uneasiness, you may be assured, if I find (after the act takes place, which is the first of November) that you shall not incline to purchase or make use of any stamp paper, I shall not force it upon you, nor think it worth my while to trouble you or myself with any exercise of my office; but if by that time I shall find you generally in much need of the stamp paper, and very anxious to obtain it, I shall hope you will be willing to receive it of me (if I shall happen to have any) at least until another person more agreeable to you can be appointed in my room.

"I cannot but wish you would think more how to get rid of the stamp act; than of the officers who are to supply you with paper, and that you had learnt more of the nature of my office before you had undertaken to be so very angry at it."

New Haven,
Aug. 1763.

J. INGERSOLL.

This resignation was much applauded, but seems rather to have been the effect of fear, than a hearty desire of complying with the temper of the times; for, when the people assembled round his house, and demanded, whether he intended to act in that office, or resign, he answered,

swered, that as he had accepted the office in person, he did not think he had power to resign. They next demanded whether, when the stamp paper arrived, he would deliver it to them, to make a bonfire? Or—have his house pulled down. To this question he strove to evade giving an answer, by desiring them to wait the meeting of the assembly, and several other pretences; but when he found all unavailing, he then promised, “that when they arrived, he would either re-ship them to be sent back; or, when they were in his house, he would leave his doors open, that they might then act as they thought proper; this satisfied them, and they dispersed; and the above advertisement appeared in the paper.

On the 26th of August, about twilight, a small bonfire was kindled in King-street, Boston, and surrounded only by a few boys and children; but when the fireward endeavoured to extinguish it, he was whispered, by an unknown person, to desist; which he not regarding, received a blow on his arm, and such other marks of displeasure, as obliged him to withdraw. But presently after a particular whistle and whoop was heard from several quarters, which instantly drew together a great number of persons, disguised, and armed with clubs, sticks, &c. who assaulted the house of William Story, Esq; deputy register of the Vice-Admiralty, opposite the north side of the Court-House, the lower part of which, being his office, was broke open, the files and public records of that court were seized, and condemned to the flames.

This did not take up half an hour, when they rushed onwards (encreasing in their numbers) to the

new-built house of Benjamin Hallowell, jun. Esq; the furniture of which they destroyed. About ten o'clock, they attacked the house of the Lieut. Governor, which, in a few hours, they stripped of its furniture; and even his apparel, books, &c. were destroyed. After which they dispersed.

The next morning was the time for holding the assize and the supreme court of judicature, when the chief justice was obliged to attend in his only suit, while the gentlemen of the bench and bar were in their respective robes. But the chief inhabitants were very strenuous to distinguish “that tumultuous and outrageous behaviour, from a truly noble opposition to the imposition of internal taxes, without the intervention of the respective legislatures of the colonies.” The peace and good order of the town was restored, and preserved by a nightly military watch, and several persons were apprehended and committed to goal, on suspicion of being concerned in the late riots.

It is proper to remark, that the outrages on the 26th were not only disavowed by the reputable part of the inhabitants, but, on a short notice, they met at Faneuil-hall in great numbers, and testified their utter detestation of the extraordinary and violent proceedings of the unknown persons the preceding night; and they unanimously voted “That the select men, and magistrates of the town, be desired to use their utmost endeavours, agreeable to law, to suppress such disorders for the future; and that the freeholders, and other inhabitants, will do every thing in their power to assist them therein.” The next day a proclamation was published by the governor, offering a reward of 300l. for the discovery of any of the ring-leaders,

leaders, and 100l. for any of the other persons concerned in that riot.

On Tuesday the 27th of August (for, as if it had been previously concerted, the commotions throughout the provinces all happened within a few days of each other) about nine o'clock in the morning, the people of Newport, in Rhode Island, brought forth the effigies of three persons, in a cart, with halters about their necks, to a gallows, twenty feet high, placed near the Town-house, where they were hung to public view till near night, when they were cut down, and burnt under the gallows, amidst the acclamations of thousands.

The next evening they assembled again, and beset the house of Martin Howard, jun. Esq; the furniture, &c. thereof they burnt and destroyed, as they did next that of Dr. Thomas Moffat, leaving the houses mere shells. They then proceeded towards the house of Augustus Johnston, Esq; who had been appointed stamp-master for Rhode Island, but were met and parleyed with by a gentleman, who, telling them the house was not Mr. Johnston's property, they desisted from any farther attempts, but insisted that Mr. Johnston's effects should be delivered to them next day, unless he would resign his place, which he did on his coming to town next day, in the following terms, and then they dispersed:

*To the Inhabitants of the town of
Newport,*

Gentlemen,

"As I find my being appointed the stamp-officer of this colony has irritated the people of this town against me, though the office was bestowed on me unasked and unthought of; and being willing, as far as it is in my power, to restore

tranquility to the town, do engage, upon my honour, that I will not accept of the said office, upon any terms, unless I have your consent for the same.

AUGUSTINE JOHNSTON."

August 29, 1765.

On these outrages, Mr. Howard and Mr. Moffat, finding the resentment of the people was very high against them, and fearing their persons would not be safe in Newport, took shelter in the Signet man of war, and soon after departed for Great Britain.

On the 10th of September, the stamp papers for the use of the New England Government, arrived at Boston; of which the Governor informed the Assembly in the following speech:

Gentlemen of the Council and Gentlemen of the House of Representatives,

"A ship is arrived in the harbour with stamped papers on board for the King's use in this province, and also with other stamped papers for the like use for the province of New Hampshire and colony of Rhode Island; as Mr. Oliver has declined the office of distributor of stamped papers, and cannot safely meddle with what are arrived, the care of them devolves to this government, as having a general charge of the King's interest within it. I have already laid this matter before the Council, and they refer it to a General Court; I therefore now apply to you jointly to desire your advice and assistance, in order to preserve the stamped papers designed for this government, being the King's property, of very considerable value, safe and secure for his Majesty's further orders. I must also desire you at the same time to consider of the like preservative of the stamped papers designed for New Hampshire and

and Rhode Island, if the distributors appointed for those governments should decline to have the charge of them, and in such case the care of them will devolve to this government, equally with others."

To which the Assembly replied.

May it please your Excellency,

"The House having given all due attention to your Excellency's message of this day, beg leave to acquaint your Excellency, that the stamped papers mentioned in your message are brought here without any directions to this government: it is the sense of the House, that it may prove of ill consequence for them any ways to interest themselves in this matter; we hope therefore your Excellency will excuse us, if we cannot see our way clear enough to give you any advice or assistance therein."

The General Assembly having thus declined to interfere in the direction of the stamp paper, the Governor again applied to the Council, who advised him to lodge the stamp papers in the Castle; but various reports having been spread concerning this measure, his Excellency on the first of October made the following speech to the Council:

Gentlemen,

"I have been informed that it is reported about the town, that the stamped papers are to be lodged in the Castle, there to be unpacked and distributed. I have frequently in conversation shewn the absurdity of such a supposition; but as what I have said is perhaps not much known, I make this declaration to you: That I have no warrant, order, or authority whatsoever, to distribute the stamped papers, or to unpack the bales, or separate the parcels, or order any person whatsoever

so to do; that it cannot be conceived that I should be so imprudent as to undertake a business to which I have no appointment, and make myself answerable for large sums of money, the receipt of which I cannot attend to, and have no power to direct or order: What I have done in pursuance of your advice, in ordering the stamped papers to be deposited in the Castle, and there to be defended with all the force of that fortress, was to preserve them entire and unpacked for his Majesty's use. In this I have had two things in view, to prevent imprudent people committing an high insult upon the King, an indignity which would be sure to meet with particular resentment; and to save the town or province, as it may happen, from being made answerable for so great a sum as the value of the stamped papers will amount to; as they certainly will be, if the stamped papers should be taken away. In providing against these two evils, surely we are endeavouring to do the town and province real and important service, whatever people, in their present temper, may think."

"His Excellency having made the foregoing declaration to the Board, they signified their unanimous desire to his Excellency, that he would permit the same to be published; and his Excellency thereupon gave permission for publishing the same accordingly."

A. OLIVER, Sec.

About this time the following advertisement appeared in the New York Gazette:

To Messrs. GREEN and RIND.

Gentlemen,

"I am informed that the stamp-law takes place the first day of November next; I therefore hereby give notice to all officers whatsoever that

that may be appointed by virtue of that most grievous and unconstitutional act (to prevent them trouble) that I will pay no tax whatever, but what is laid upon me by my representatives. I am, gentlemen,

Your humble servant,

BENJAMIN WELSH."

While the colonies shewed the strongest marks of dislike to those whom they supposed to be the promoters of the stamp-act, they were as strong in their marks of approbation of those who had opposed its passing. On the 18th of September, at a meeting of the freeholders and inhabitants of Boston, a committee of seven gentlemen was chosen "to draw up and transmit to Mr. Secretary Conway and Colonel Isaac Barré, several addresses of thanks for their patriotic speeches in parliament, in favour of the rights and privileges of the colonists; and to desire correct copies thereof to be placed among their most precious archives." And they voted the pictures of those gentlemen to be placed in their Town-hall.

On Saturday, Sept. 21, there was published a new news-paper in America, under the following title, "The CONSTITUTIONAL COURANT, containing matters interesting to *Liberty*, and no ways repugnant to *Loyalty*:" It had an emblematical head-piece, of a snake cut into several pieces, on each of which were the initial letters of the names of the several colonies, and over it, "JOIN OR DIE" in large letters, and the imprint was, "Printed by Andrew Marvel, at the sign of the *Bribe refused*, on *Constitution-bill*, North America."

The 25th of September the General Assembly of the province at Massachusetts-Bay, in New Eng-

land, met at Boston, when his Excellency Francis Bernard, Esq; Governor of the said province, made the following speech to them:

Gentlemen of the Council, and Gentlemen of the House of Representatives,

"I have called you together at this unusual time, in pursuance of the unanimous advice of a very full Council, that you may take into consideration the present state of the province, and determine what is to be done at this difficult and dangerous conjuncture. I need not recount to you the violences which have been committed in this town, nor the declarations which have been made and still subsist, that the act of parliament for granting stamp-duties in the British colonies shall not be executed within this province. The ordinary executive authority of this government is much too weak to contradict such declarations, or oppose the force by which they are supported: It has therefore been found necessary to call the whole legislative power in aid of the executive government. From this time this arduous business will be put into your hands, and it will become a provincial concern.

"Upon this occasion it is my duty to state to you what will probably be the consequences, if you should suffer a confirmed disobedience of this act of parliament to take place. I am sensible how dangerous it is to speak out at this time, and upon this subject; but my station will not allow me to be awed or restrained in what I have to say to the General Court; not only my duty to the King, but my duty to the Province, my love to it, my concern for it, oblige me to be plain and explicit upon this occasion. And I hope no advocate for liberty will violate that essential constitutional right, freedom of speech in the General Assembly.

"As

" As I desire not to dictate to you, and would avoid all appearance of it, I shall resolve what I have to recommend to your consideration into mere questions, and avoid assertions of my own in matters which are doubtful. I shall not enter into any disquisition of the policy of the act : it has never been a part of my business to enter into any judgment of it ; and as I have not hitherto had any opportunity to express any sentiments of it, I shall not do it now. I have only to say, that it is an act of the parliament of Great Britain, and as such ought to be obeyed by the subjects of Great Britain. And I trust that the supremacy of that parliament, over all the members of their wide and diffused empire, never was, and never will be denied within these walls.

" The Right of the parliament of Great Britain to make laws for the American colonies, however it has been controverted in America, remains indisputable at Westminster. If it is yet to be made a question, who shall determine it but the parliament ? If the parliament declares that this right is inherent in them, are they like to acquiesce in an open and forcible opposition to the exercise of it ? Will they not more probably maintain such right, and support their own authority ? Is it in the will or in the power, or for the interest of this province to oppose such authority ? If such opposition should be made, may it not bring on a contest, which may prove the most detrimental and ruinous event which could happen to this people ?

" It is said, that the gentleman who opposed this act in the House of Commons, did not dispute the authority of parliament to make such a law, but argued upon the inexpediency of it at this time, and the inability of the colonies to bear such an imposition. These are two

distinct questions, which may receive different answers. The power of the parliament to tax the colonies may be admitted, and yet the expediency of exercising that power at such a time, and in such a manner, may be denied. But if the questions are blended together, so as to admit of but one answer, the affirmative of the right of parliament will conclude for the expediency of the act. Consider therefore, gentlemen, if you found your application for relief upon denying the parliament's right to make such a law, whether you will not take from your friends and advocates the use of those arguments, which are most like to procure the relief you desire ?

" You, Gentlemen of the House of Representatives, have proposed a congress of committees from the representatives of several colonies, to consider of a general, united, dutiful, loyal and humble representation which you have proposed ? Will the denying the power and authority of the King and Parliament, be the proper means to obtain their favour ? If the parliament should be disposed to repeal this act, will they probably do it whilst there subsists a forcible opposition to the execution of it ? Is it not more probable, that they will require a submission to their authority as a preliminary to their granting you any relief ? Consider then, whether the opposition to the execution of the act has not a direct tendency to defeat the measures you have taken to procure a repeal of it, if you do not interpose to prevent it,

" By this act, all papers which are not duly stamped are to be null and void ; and all persons who shall sign, engross, or write any such papers, will forfeit, for each fact, ten pounds. If therefore stamps are not to be used, all public offices must be shut up : for it cannot be expected,
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that any officer should incur penalties much beyond all he is worth, for the sake of doing what must be null and void when it is done. I would therefore desire you to consider what effects the stopping two kinds of offices only, the Courts of Justice and the Custom-houses, will have upon the generality of the people. When the Courts of Justice are shut up, no one will be able to sue for a debt due to him. Must not then all credit and mutual faith cease of course, and fraud and rapine take their place? Will any one's person or property be safe, when their sole protector, the law, is debased to act? Must not the hand of violence be then let loose, and force of arms become the only governing power? It is easy to form an adequate idea of a state of general outlawry: And may not the reality exceed the worst idea you can form of it?

"If trade and navigation shall cease by the shutting up the ports of this province for want of legal clearances; are you sure that all other ports which can rival these will be shut up also? Can you depend upon recovering your trade again entire and undiminished, when you shall be pleased to resume it? Can the people of this province subsist within navigation for any long time? What will become of the seamen who will be put out of employment? What will become of the tradesmen who immediately depend upon the navigation for their daily bread? Will these people endure want quietly without troubling their neighbours? What will become of the numberless families which depend upon fishery? Will they be able to turn the produce of their year's work into the necessaries of life without navigation? Are there not numberless other families who do not appear immediately concerned in trade,

and yet ultimately depend upon it? Do you think it possible to provide for the infinite chain of the dependants upon trade, who will be brought to want by the stopping of it? It is certain that this province has a stock of provisions within itself sufficient for all its inhabitants, without the usual imports? If there should be a sufficiency in general, can it be distributed among all the individuals without great violence and confusion? In short, can this province bear a cessation of law and justice, and of trade and navigation, at a time when the business of the year is to be wound up, and the severe season is hastily approaching? These are serious and alarming questions, which deserve a cool and dispassionate consideration.

"I would not willingly aggravate the dangers which are before you: I do not think it very easy to do it: This province seems to me to be upon the brink of a precipice; and that it depends upon you to prevent its falling. Possibly I may fear more for you than you do for yourselves; but in the situation you now stand, a fight of your danger is necessary to your preservation! and it is my business to open it to you. But I do not pretend to enumerate all the evils which may possibly happen; several, and some of no little importance, will occur to you, tho' they have been omitted by me. In a word, gentlemen, never were your judgment and prudence so put to a trial, as they are like to be upon the present occasion.

"I am aware that endeavours have been, or may be used, to lessen my credit with you, which I have hitherto always studied to improve to the advantage of the province. Violences seldom come alone: The same spirit which pulls down houses attacks reputations. The best men
in

in the province have been much injured in this way; I myself have not escaped this malignity. But I shall not lower myself so as to answer such accusers: To you I shall always owe such explanations as shall be necessary to the improvement of a good understanding between us. However, I will take this opportunity to declare publicly, that ever since I have sat in this chair, I have been constantly attentive to the true interests of this province, according to the best of my understanding, and have endeavoured to promote them by all means in my power. The welfare of this people is still uppermost in my heart: and I believe no man feels more for them than I do at this present time.

Gentlemen of the House of Representatives,

"I must recommend you to do an act of justice, which at the same time will reflect credit upon yourselves; I mean to order a compensation to be made to the sufferers by the late dreadful disturbances. Their losses are too great for them to sit down with; one of them amounts to a very large sum. You must be sensible that it will be expected that these damages be made good; and it will be better for you to do it of your own accord before any requisition is made to you. An estimate of these damages is made by a committee of the council, pursuant to order, which will be laid before you,

Gentlemen,

"I am sensible of the difficulty of the part you have to act; it may not be sufficient for you to be convinced of a submission to the law for the present, unless the same conviction shall be extended to the people in general. If this should be so, I can only desire you to use all means to make

yourself well acquainted with the exigency of the present time; and if you shall be persuaded that a disobedience of the act is productive of much more evil than a submission to it can be, you must endeavour to convince your constituents of the truth of such persuasion. In such case I shall readily grant you a recess for a sufficient time; and I shall be ready to concur with you in all other legal measures to provide for the safety of the people in the best manner.

*Council Chamber, FRA. BERNARD.
Sept. 25, 1765.*

The House of Representatives immediately appointed a committee to prepare an address in answer to his Excellency's speech, and the draught was to have been reported the 28th; on the preceding day, both the houses of assembly received the astonishing, sudden, and unexpected message to adjourn to the 23d of October.

The 26th of September the hon. Thomas Finch, Esq; governor of Connecticut, issued a proclamation, "requiring all officers, civil and military, to use their utmost endeavours for preventing and suppressing all riots and tumultuous assemblies;" but so great was the dread of the peoples resentment, that William Storey, Esq; resigned his office of deputy-register of the court of Vice-Admiralty; as some days before, William Cox, Esq; had resigned his office as stamp-master for New-Jersey.

About the same time, fourteen boxes more of stamp paper arrived at Boston for the use of that province; and of New Hampshire and Rhode Island; but the ships that brought them were obliged to be guarded in by a man of war sloop and a cutter, and brought to under

the protection of the guns of the castle.

The inhabitants of Connecticut not being fully satisfied with the first declaration of Mr. Ingersoll, a great number of the inhabitants from the eastern parts of the province came on horseback to Hartford on the 18th of September, and declared they were on their way to Newhaven, to demand of Mr. Ingersoll a total resignation of his office, as were also a number of their companions on the lower roads, who were all to rendezvous at Brentford the next day; they then separated to get lodgings in Hartford for that night. In the evening they received information that Mr. Ingersoll was to be in town the next day, to apply to the assembly for protection; but lest he should come in the night, to shun them, they kept a patrol in the streets all that night to prevent his coming unnoticed; but he not arriving the next morning, the whole body set off, and in about an hour met Mr. Ingersoll at the lower end of Wethersfield, and told him their business, when, after many evasions and debates, he read his resignation to the multitude, who desired him to cry out *Liberty and Property* three times, which he did; and they returned three loud huzzas. Mr. Ingersoll then went and dined at the tavern with many of the company, and a party of about five hundred escorted him to Hartford, where he again publicly read his resignation, which they again applauded with three huzzas, and then they all dispersed without any disturbance. His resignation was as follows:

Wethersfield, Sept. 9, 1765.

"I do hereby promise, that I will never receive any stamped papers, which may arrive from Europe, in consequence of an act lately passed in the parliament of Great

Britain, nor officiate in any manner as stamp-master, or distributor of stamps, within this colony of Connecticut, either directly or indirectly. And I do hereby notify to all the inhabitants of his Majesty's colony of Connecticut, (notwithstanding the said office or trust has been committed to me) not to apply to me, ever after, for any such stamped papers, hereby declaring, that I do resign the said office, and execute these presents of my own free will and accord, without any equivocation, or mental reservation.

In witness whereof I have hereunto set my hand,

J. INGERSOLL."

In Philadelphia, the house of assembly met on the 21st of September, and came to the following resolutions:

"The House taking into consideration, that an act of parliament has lately passed in England, for imposing certain stamp duties, and other duties on his Majesty's subjects in America, whereby they conceive some of their most essential and valuable rights, as British subjects, to be deeply affected, think it a duty they owe to themselves, and their posterity, to come to the following resolutions, viz.

Resolved, N. C. D. That the assemblies of this province have, from time to time, whenever requisitions have been made by his Majesty, for carrying on military operations for the defence of America, most cheerfully and liberally contributed their full proportion of men and money for those services.

Resolved, N. C. D. That whenever his Majesty's service shall, for the future, require the aids of the inhabitants of this province, and they shall be called upon for that purpose, in a CONSTITUTIONAL way, it will be their indispensable duty

duty most chearfully and liberally to grant to his Majesty their proportion of men and money, for the defence, security, and other public services of the British American colonies.

Resolved, N. C. D. That the inhabitants of this province are intitled to all the rights and privileges of his Majesty's subjects in Great Britain, or elsewhere; and that the constitution of government in this province is founded on the natural rights of mankind, and the noble principles of English liberty, and therefore is, or ought to be, perfectly free.

Resolved, N. C. D. That it is the inherent birth-right, and indubitable privilege of every British subject, to be taxed only by his own consent, or that of his legal representatives, in conjunction with his Majesty, or his substitutes.

Resolved, N. C. D. That the only legal representatives of the inhabitants of this province, are the persons they annually elect to serve as members of assembly.

Resolved therefore, N. C. D. That the taxation of the people of this province, by any other persons whatsoever than such their representatives in assembly, is UNCONSTITUTIONAL, and subversive of their most valuable rights.

Resolved, N. C. D. That the laying taxes upon the inhabitants of this province in any other manner, being manifestly subversive of public liberty, must, of necessary consequence, be utterly destructive of public happiness.

Resolved, N. C. D. That the vesting an authority in the courts of admiralty to decide in suits relating to the stamp duties, and other matters, foreign to their proper jurisdiction, is highly dangerous to the liberties of his Majesty's American subjects, contrary to Magna Charta,

the great charter and fountain of English liberty, and destructive of one of their most *darling and acknowledged rights*, that of TRIALS BY JURIES.

Resolved, N. C. D. That it is the opinion of this house, that the restraints imposed by several acts of parliament on the trade of this province, at a time when the people labour under an enormous load of debt, must of necessity be attended with the most fatal consequences, not only to this province, but to the trade of our mother country.

Resolved, N. C. D. That this house think it their duty thus firmly to assert, with modesty and decency, their inherent rights, that their posterity may learn and know, that it was not with their consent and acquiescence, that any taxes should be levied on them by any persons but their own representatives; and are desirous that these their resolves should remain on their minutes, as a testimony of the zeal and ardent desire of the present house of assembly to preserve their *inestimable rights*, which, as Englishmen, they have possessed ever since this province was settled, and to transmit them to their latest posterity."

The same day, the following address was presented to the Governor of Maryland:

To his Excellency HORATIO SHARPE, Esq; Governor and Commander in Chief in and over the province of Maryland.

The humble Address of the House of Delegates.

May it please your Excellency,
" We, his majesty's most dutiful and loyal subjects, the delegates of the freemen of the province of Maryland, in assembly convened, return your excellency our thanks for your speech at the opening of this session;
and

and beg leave to assure you, that the opportunity your excellency has now afforded us, of promoting the true interest of our country, is extremely agreeable to us.

As we have thought it our indispensable duty to our constituents, at this time to appoint a committee of some of our members, to join committees from the house of representatives of the other colonies on the continent, who are to meet at the city of New York, on the first Tuesday in October next, in order to to join in a general and united dutiful, loyal and humble representation to his majesty, and the British parliament, of the circumstances and condition of the British colonies and plantations, and to implore relief against some acts of parliaments, we are informed have lately passed in England, whereby it is apprehended the liberty of the colonies will be greatly abridged, which, with the matters necessarily relative to, and dependant upon it, (wherein we have met with some very unexpected delays) has so wholly engrossed our attention, that we have not yet even settled any of our ordinary rules for proceeding, we cannot doubt but we shall stand excused for being thus late in answering your excellency's speech; and having now very nearly completed that affair, and as the next month will be chiefly taken up in adjourned country courts, by which means several of our members must be taken from the business of the house, or great numbers suffer much by their suits continuing open at this time, we hope your excellency will, as soon as the present important business is finished, give us a short recess of a few weeks, that those inconveniences may be removed, when we shall be very glad to have an opportunity of proceeding to the dispatch of the inte-

resting matters your excellency has been pleased to recommend to us, and to concur with the other branches of the legislature, in every measure tending to produce the general welfare of our country, which we are much pleased to be assured by your excellency, you also consider as your own."

ROBERT LLOYD, Speaker.

Sept. 21, 1765.

To which he returned the following Answer, on Sept. 28:

Gentlemen of the Lower House of Assembly.

"As I perceive by your address, which hath been just presented to me, that you are desirous to have a short recess of a few weeks, I shall comply with your request; but it being probable that the stamped paper destined for this province, in consequence of the act of parliament that was made last session, by the legislature of Great Britain, will arrive here before I shall have an opportunity of advising with you again, and that the master of the vessel who may give charge thereof, will desire me to give orders for its being landed, and lodged in a place of security, especially as the person appointed to distribute the stamps here, has, I understand, left the province, I should be glad to know how you would advise me to act on such an occasion, Sept. 28. HORATIO SHARPE."

And the house then came to the following resolutions, which they ordered to be printed:

By the Lower House of Assembly.

Sept. 28, 1765.

Ordered, That Mr. Jonas Green, printer, do publish in the Maryland Gazette, next week, the following resolves of this house:

Signed per order.

M. MACNEMARA, Cl. Lo. Ho.
I. Re.

I. Resolved unanimously, That the first adventurers and settlers of this province of Maryland brought with them, and transmitted to their posterity, and all other his Majesty's subjects since inhabiting in this province, all the liberties, privileges, franchises, and immunities, that at any time have been held, enjoyed and possessed, by the people of Great Britain.

II. Resolved unanimously, That it was granted by Magna Charta, and other the good laws and statutes of England, and confirmed by the petition and Bill of Rights, that the subject should not be compelled to contribute to any tax, tallage, aid, or other like charge, not set by common consent of parliament.

III. Resolved unanimously, That by a royal charter, granted by his majesty king Charles I. in the eighth year of his reign, and in the year of our Lord 1632, to Cæcilius, then lord Baltimore, it was for the encouragement of people to transport themselves and families into this province, amongst other things covenanted and granted by his said majesty, for himself, his heirs and successors, as followeth :

[Here is recited such parts of their charter as may be seen in the 19th and 20th clauses of the Maryland charter.] After which they proceeded thus :

IV. Resolved that it is the unanimous opinion of this house, That the said charter is declaratory of the constitutional rights and privileges of the freemen of this province.

V. Resolved unanimously, That trials by juries is the grand bulwark of liberty, the undoubted birthright of every Englishman, and consequently of every British subject in America : And that the erecting other jurisdictions for the trial of matters of fact, is unconstitutional,

and renders the subject insecure in his liberty and property.

VI. Resolved, That it is the unanimous opinion of this house, That it cannot with any truth or propriety be said, That the freemen of this province of Maryland are represented in the British parliament.

VII. Resolved unanimously, That his majesty's liege people of this ancient province, have always enjoyed the right of being governed by laws, to which they themselves have consented in the article of taxes, and internal policy ; and that the same hath never been forfeited, or any other way yielded up ; but hath been constantly recognized by the king and people of Great Britain.

VIII. Resolved, That it is the unanimous opinion of this house, that the representatives of the freemen of this province, in their legislative capacity, together with the other part of the legislature, hath the sole right to lay taxes and impositions on the inhabitants of this province, or their property and effects : And that the laying, imposing, levying or collecting, any tax on or from the inhabitants of Maryland, under colour of any other authority, is unconstitutional, and a direct violation of the rights of the freemen of this province.

On the 5th of October the stamps arrived at Philadelphia, the ship which brought them having laid some time at Newcastle upon Delaware, under protection of a man of war. When the ships first appeared round Gloucester-point, all the vessels in the harbour hoisted their colours half-staff high, the bells were muffled, and continued to toll till evening, and every countenance added to the appearance of sincere mourning. At four in the afternoon, several

several thousands of citizens met at the State-house to consult on proper measures to prevent the execution of the stamp-act. It was agreed to send a deputation of seven persons to Mr. Hughes, the stamp-master for that province, (who was then sick in bed) to request he would resign his office. He readily declared, that no act of his should assist the carrying of that law into execution, till it was generally complied with in the other colonies, but refused to sign any resignation. When this report was made by the deputies to the State-house, the citizens were enraged to that degree, that it is hard to say to what lengths their fury would have carried them, had not the deputies represented Mr. Hughes as at the point of death; this moved their compassion, and they agreed to make their demand in writing, and give Mr. Hughes till the Monday following to make a reply. And on Monday the deputies read the following answer aloud to all the multitude assembled:

Philadelphia, Monday morning,
Oct. 7, 1765.

"Whereas about six o'clock, on Saturday evening last, a paper was sent to me, expressing, that 'a great number of the citizens of Philadelphia, assembled at the State-house, to demand of Mr. John Hughes, distributor of stamps for Pennsylvania, that he will give them assurance, under his hand, that he will not execute that office; and expect that he will give them a fair, candid, and direct answer, by Monday next, at ten o'clock, when he will be waited on for that purpose. Saturday, October 5, 1765.'

"I do therefore return for answer to those gentlemen, and all their associates, that I have not hitherto taken any step tending to put the late act of parliament into execution

in this province; and that I will not, either by myself or my deputies, do any act or thing that shall have the least tendency to put the said act into execution in this province, until the said act shall be put into execution generally in the neighbouring colonies, and this I am determined to abide by.

"And whereas my commission includes the three counties of New-Castle, Kent, and Suffex, upon Delaware, I do, therefore, hereby voluntarily inform the good people of those counties, that no act of mine shall, either directly or indirectly, involve them in any difficulties with respect to the said stamp act, before the same shall take place generally in the neighbouring colonies.

JOHN HUGHES."

It is necessary sometimes, in this narration, to neglect a strict observance of the order of time, that each separate account may have a proper continuation:—to return them a little back; on the 20th of September, all the lawyers of the supreme court, held at Perth Amboy, assembled, and the Chief Justice having proposed the following queries, they agreed and came to these several resolutions: First, Whether, if the stamps should arrive, and be placed at the city of Burlington, by or after the first of November, they would, as practitioners, agree to purchase them, for the necessary proceedings in the law?

Resolved by the whole body, N. C. D. they would not, but rather suffer their private interest to give way to the public opinion, protesting at the same time against all riotous and indecent behaviour, which they will discountenance by every means in their power, to preserve order, and by an absolute refusal to make use

use of the stamps, and other quiet methods, endeavour to obtain a repeal of the law.

Second. Whether it was their opinion, that should the act take place, the duties could possibly be paid in gold and silver.

Answered by the whole body, It could not be paid in gold and silver even for one year.

Third. Their opinion was desired, whether, as the act required the Governor and Chief Justice to superintend the distributor, he should be obliged to take charge of the distribution of the stamps, by order and appointment of the Governor, if he should think proper to fix upon him for that office?

Answered and advised, not to take it upon him, the Governor not being impowered by the act to appoint; or if he was, it was left to the Chief Justice's option, and that it would be incompatible with his office as Chief Justice.

The lawyers also of New Jersey met, and resolved to lose all their business, rather than make use of any stamps.

When the Commissioners from Boston came to the Congress at New-York, they waited on Lieutenant-Governor Colden, who received them very coldly; and told them, that "such a Congress was unconstitutional, unprecedented, and unlawful, and that he should give them no countenance."

On the 21st of October, the freeholders and other inhabitants of the town of Plymouth had a meeting, and unanimously agreed on instructions to Thomas Forster, Esq. their representative in the General Assembly of Massachusetts Bay. In which, after expressing the highest esteem for the British constitution, shewing how far the people of America have exerted themselves in support thereof, and

setting forth their grievances, they proceed as follows:

"You, Sir, represent a people who are not only descended from the first settlers of this country, but inhabit the very spot they first possessed. Here was first laid the foundation of the British empire in this part of America, which from a very small beginning, has increased and spread in a manner very surprising, and almost incredible; especially when we consider that all this has been effected without the aid or assistance of any power on earth, that we have *defended, protected, and secured* ourselves against the invasions and cruelty of savages, and the subtilty and inhumanity of our inveterate and natural enemies the French; and all this without the appropriation of any tax by stamps, or stamp acts laid upon our fellow subjects in any part of the king's dominions, for defraying the expences thereof. This place, Sir, was at first the asylum of liberty, and we hope will ever be preserved sacred to it; though it was then no more than a forlorn wilderness, inhabited only by savage men and beasts. To this place our fathers (whose memories be revered) possessed of the principles of liberty in their purity, disdaining slavery, fled to enjoy those privileges which they had an undoubted right to, but were deprived of by the hands of violence and oppression in their native country. We, Sir, their posterity, the freeholders and other inhabitants of this town, legally assembly for that purpose, possessed of the same sentiments, and retaining the same ardour for liberty, think it our indispensable duty, on this occasion, to express to you these our sentiments of the stamp act, and its fatal consequences to this country, and to enjoin upon you, as you regard not only the welfare, but the very being of this people, that you (consistent with our allegiance to the king, and relation

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Boston, June 1765.

lation to the government of Great-Britain) disregarding all proposals for that purpose, exert all your power and influence in relation to the stamp act, at least until we hear the success of our petitions for relief. We likewise, to avoid disgracing the memories of our ancestors, as well as the reproaches of our own consciences, and the curses of posterity, recommended it to you to obtain, if possible, in the honourable house of representatives of this province, a full and explicit assertion of our rights, and to have the same entered on their public records, that all generations yet to come, may be convinced, that we have not only a just sense of our rights and liberties, but that we never (with submission to divine providence) will be slaves to any power on earth; and as we have at all times an abhorrence of tumults and disorders, we think ourselves happy in being at present under no apprehensions of any, and in having good and wholesome laws sufficient to preserve the peace of the province in all future times, unless provoked by some imprudent measure: so we think it by no means advisable for you to interest yourself in the protection of stamp papers, or stamp officers.

“The only thing we have further to recommend to you at this time, is to observe on all occasions a suitable frugality and oeconomy in the public expences; and that you consent to no unnecessary or unusual grant at this time of distress, when the people are groaning under the burthen of heavy taxes: and that you use your endeavours to enquire into, and bear testimony against, any past, and to prevent any future unconstitutional draughts on the public treasury.”

*Authentic Account of the Proceedings of the Congress * held at New-York in 1765, on the Subject of the Stamp Act.*

Sir,

The house of representatives of this province, in the present session of the general court, have unanimously agreed to propose a meeting, as soon as may be, of committees, from the houses of representatives or burgesses of the several British colonies on this continent, to consult together on the present circumstances of the colonies, and the difficulties to which they are, and must be reduced, by the operation of the acts of parliament for levying duties and taxes on the colonies; and to consider of a general, and united, dutiful, loyal and humble representation of their condition, to his Majesty and the Parliament, and to implore relief. The house of representatives of this province have also voted to propose, That such meeting be at the city of New-York, in the province of New-York, on the first Tuesday in October next; and have appointed a committee of three of their members to attend that service, with such as the other houses of representatives, or burgesses, in the several colonies, may think fit to appoint to meet them. And the committee of the house of representatives of this province, are directed to repair to said New-York, on said first Tuesday in October next, accordingly.

If, therefore, your honourable house should agree to this proposal, it would be acceptable, that as early notice of it as possible, might be transmitted to the speaker of the house of representatives of this province.

SAMUEL WHITE, Speaker.

In consequence of the foregoing circular letter, the following gentlemen met at New-York, in the province of New-York, on Monday the seventh day of October, 1765, viz.

From

* This was the first Congress of the American Continent.

From the province of the Massachusetts-bay,

James Otis, }
Oliver Patridge, } Esquires.
Timothy Ruggles, }

From the colony of Rhode-Island, and Providence plantations,

Metcalf Bowler, }
Henry Ward, } Esquires.

From the colony of Connecticut,

Eliphalet Dyer, }
David Rowland, } Esquires.
Wm. Samuel Johnson, }

From the colony of New-York,

Robert R. Livingston, }
John Cruger, } Esquires.
Philip Livingston, }
William Byard, }
Leonard Lispenard, }

From the colony of New-Jersey,

Robert Ogden, }
Hendrick Fisher, } Esquires.
Joseph Borden, }

From the province of Pennsylvania,

John Dickens, }
John Morton, } Esquires.
George Bryan, }

From the government of the counties of Newcastle, Kent, and Suffex, on Delaware,

Cæsar Rodney, }
Thomas M'Kean, } Esquires.

From the province of Maryland,

William Murdock, }
Edward Tilghman, } Esquires.
Thomas Ringgold, }

From the province of South-Carolina,

Thomas Lynch, }
Christoph. Gadsden, } Esquires.
John Rutledge, }

Then the said committees proceeded to chuse a chairman by ballot, and Timothy Ruggles, Esq. on sorting and counting the votes, appeared to have a majority, and thereupon was placed in the chair.

Saturday, O^r. 19, 1765, A. M.

The Congress met according to adjournment, and resumed, &c. as yesterday. And, upon mature deliberation, agreed to the following de-

clarations of the rights and grievances of the colonists in America, which were ordered to be inserted.

The members of this Congress, sincerely devoted, with the warmest sentiments of affection and duty to his Majesty's person and government, inviolably attached to the present happy establishment of the Protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; having considered as maturely as time will permit, the circumstances of the said colonies, esteem it our indispensable duty to make the following declarations of our humble opinion, respecting the most essential rights and liberties of the colonists, and of the grievances under which they labour, by reason of several late acts of parliament.

I. That his Majesty's subjects in these colonies, owe the same allegiance to the crown of Great Britain, that is owing from his subjects born within the realm, and all due subordination to that august body the parliament of Great-Britain.

II. That his Majesty's liege subjects in these colonies, are entitled to all the inherent rights and liberties of his natural born subjects, within the kingdom of Great-Britain.

III. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally, or by their representatives.

IV. That the people of these colonies are not, and, from their local circumstances, cannot be, represented in the House of Commons in Great-Britain.

V. That the only representatives of the people of these colonies are persons chosen therein by themselves, and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.

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VI. That all supplies to the crown, being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution, for the people of Great-Britain to grant to his Majesty the property of the colonists.

VII. That trial by jury, is the inherent and invaluable right of every British subject in these colonies.

VIII. That the late act of parliament, entitled, *An act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, &c.* by imposing taxes on the inhabitants of these colonies, and the said act, and several other acts, by extending the jurisdiction of the courts of admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.

IX. That the duties imposed by several late acts of parliament, from the peculiar circumstances of these colonies, will be extremely burthensome and grievous; and from the scarcity of specie, the payment of them absolutely impracticable.

X. That as the profits of the trade of these colonies ultimately center in Great-Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted there to the crown.

XI. That the restrictions imposed by several late acts of parliament on the trade of these colonies, will render them unable to purchase the manufactures of Great-Britain.

XII. That the increase, prosperity and happiness of these colonies, depend on the full and free enjoyments of their rights and liberties, and an intercourse with Great-Britain mutually affectionate and advantageous.

XIII. That it is the right of the British subjects in these colonies to petition the king, or either house of parliament.

Lastly, That it is the indispensable

duty of these colonies, to the best of sovereigns, to the mother country, and to themselves, to endeavour by a loyal and dutiful address to his Majesty, and humble applications to both houses of parliament, to procure the repeal of the act for granting and applying certain stamp duties, of all clauses of any other acts of parliament, whereby the jurisdiction of the admiralty is extended as aforesaid, and of the other late acts for the restriction of American commerce.

Upon motion, voted, That Robert R. Livingston, William Samuel Johnson, and William Murdock, Esqrs. be a committee to prepare an address to his Majesty, and lay the same before the congress on Monday next.

Voted also, That John Rutledge, Edward Titchman, and Philip Livingston, Esquires, be a committee to prepare a memorial and petition to the lords in parliament, and lay the same before the congress on Monday next.

Voted also, That Thomas Lynch, James Otis, and Thomas M'Kean, Esquires, be a committee to prepare a petition to the house of commons of Great-Britain, and lay the same before the congress on Monday next.

Then the congress adjourned to Monday next at twelve o'clock.

Monday, Oct. 21, 1765, A. M.

The congress met according to adjournment.

The committee appointed to prepare and bring in an address to his Majesty, did report, that they had essayed a draught for that purpose, which they laid on the table, and humbly submitted to the correction of the congress.

The said address was read, and after sundry amendments, the same was approved of by the congress, and ordered to be ingrossed.

The committee appointed to prepare and bring in a memorial and petition to the lords in parliament, did report, That they had essayed a draught

draught for that purpose, which they laid on the table, and humbly submitted to the correction of the congress.

The said address was read, and after sundry amendments, the same was approved of by the congress, and ordered to be ingrossed.

The committee appointed to prepare and bring in a petition to the house of commons of Great-Britain, did report, That they had essayed a draught for that purpose, which they laid on the table, and humbly submitted to the correction of the congress.

The said address was read, and after sundry amendments, the same was approved of by the congress, and ordered to be ingrossed.

The congress adjourn to to-morrow morning, nine o'clock.

Tuesday, Oct. 22, 1765, A. M.

The congress met according to adjournment.

The address to his Majesty being ingrossed, was read and compared, and is as follows, viz.

To the King's most excellent Majesty.

The Petition of the freeholders and other inhabitants of the Massachusetts-bay, Rhode-Island, and Providence plantations, New-Jersey, Pennsylvania, the government of the counties of Newcastle, Kent, and Sussex, upon Delaware, province of Maryland,

Most humbly sheweth,

That the inhabitants of these colonies, unanimously devoted with the warmest sentiments of duty and affection to your Majesty's sacred person and government, inviolably attached to the present happy establishment of the protestant succession in your illustrious house, and deeply sensible of your royal attention to their prosperity and happiness, humbly beg leave to approach the throne, by representing to your Majesty, that these colonies were originally planted by sub-

jected with the spirit of liberty, encouraged by your Majesty's royal predecessors, and confiding in the public faith, for the enjoyment of all the rights and liberties essential to freedom, emigrated from their native country to this continent, and by their successful perseverance in the midst of innumerable dangers and difficulties, together with a profusion of their blood and treasure, have happily added these vast and valuable dominions to the empire of Great-Britain. That for the enjoyment of these rights and liberties, several governments were early formed in the said colonies, with full power of legislation, agreeable to the principles of the English constitution.

That under those governments, these liberties, thus vested in their ancestors, and transmitted to their posterity, have been exercised and enjoyed, and by the inestimable blessings thereof (under the favour of Almighty God) the inhospitable deserts of America have been converted into flourishing countries; science, humanity, and the knowledge of divine truths, diffused through remote regions of ignorance, infidelity, and barbarism; the number of British subjects wonderfully increased, and the wealth and power of Great-Britain proportionably augmented.

That by means of these settlements, and the unparalleled success of your Majesty's arms, a foundation is now laid for rendering the British empire the most extensive and powerful of any recorded in history. Our connection with this empire, we esteem our greatest happiness and security, and humbly conceive it may now be so established by your royal wisdom, as to endure to the latest period of time; this, with most humble submission to your Majesty, we apprehend will be most effectually accomplished, by fixing the pillars thereof on liberty and justice, and securing the inherent rights and liberties of
your

your subjects here, upon the principles of the English constitution. To this constitution these two principles are essential, the right of your faithful subjects, freely to grant to your Majesty, such aids as are required for the support of your government over them, and other public exigencies, and trials by their peers; by the one they are secured from unreasonable impositions; and by the other from arbitrary decisions of the executive power.

The continuation of these liberties to the inhabitants of America we ardently implore, as absolutely necessary to unite the several parts of your wide extended dominions, in that harmony so essential to the preservation and happiness of the whole. Protected in these liberties, the emoluments Great Britain receives from us, however great at present, are inconsiderable, compared with those she has the fairest prospect of acquiring. By this protection she will for ever secure to herself the advantage of conveying to all Europe, the merchandises which America furnishes, and of supplying through the same channel whatever is wanted from thence. Here opens a boundless source of wealth and naval strength; yet these immense advantages, by the abridgement of those invaluable rights and liberties, by which our growth has been nourished, are in danger of being for ever lost; and our subordinate legislatures, in effect, rendered useless, by the late acts of parliament imposing duties and taxes on these colonies, and extending the jurisdiction of the courts of admiralty here, beyond its ancient limits: statutes by which your Majesty's commons in Britain undertake absolutely to dispose of the property of their fellow subjects in America, without their consent, and for the enforcing whereof, they are subjected to the determination of a single judge in a court unrestrained by the wise rules of the common law, the birth-

right of Englishmen, and the safeguard of their persons and properties.

The invaluable rights of taxing ourselves, and trial by our peers, of which we implore your Majesty's protection, are not, we most humbly conceive unconstitutional; but confirmed by the great Charter of English liberty. On the first of these rights the honourable the house of commons found their practice of originating money bills, a right enjoyed by the kingdom of Ireland, by the clergy of England, until relinquished by themselves, a right, in fine, which all other your Majesty's English subjects, both within and without the realm, have hitherto enjoyed.

With hearts, therefore, impressed with the most indelible characters of gratitude to your Majesty, and to the memory of the kings of your illustrious house, whose reigns have been signally distinguished by their auspicious influence on the prosperity of the British dominions, and convinced by the most affecting proofs of your Majesty's paternal love to all your people, however distant, and your unceasing and benevolent desires to promote their happiness, we most humbly beseech your Majesty, that you will be graciously pleased to take into your royal consideration the distresses of your faithful subjects on this continent, and to lay the same before your Majesty's parliament, and to afford them such relief, as in your royal wisdom their unhappy circumstances shall be judged to require.

And your petitioners as in duty bound will pray.

The memorial to the lords in parliament was read and compared, and is as follows, viz.

To the right honourable the Lords spiritual and temporal of Great-Britain, in parliament assembled.

The Memorial of the freeholders and others inhabitants of the Massachusetts-bay, Rhode-Island, and Providence plantations,

New-

New-Jersey, Pennsylvania, the government of the counties of Newcastle, Kent, and Suffex, upon Delaware, province of Maryland.

Most humbly sheweth,

That his Majesty's liege subjects in his American colonies, though they acknowledge a due subordination to that august body the British parliament, are entitled, in the opinion of your memorialists, to all the inherent rights and liberties of the natives of Great-Britain, and have ever since the settlement of the said colonies exercised those rights and liberties, as far as their local circumstances would permit.

That your memorialists humbly conceive one of the most essential rights of these colonies, which they have ever, till lately, uninterruptedly enjoyed, to be trial by jury.

That your memorialists also humbly conceive another of these essential rights to be, the exemption from all taxes, but such as are imposed on the people by the several legislatures in these colonies, which right also they have till of late, freely enjoyed.

But your memorialists humbly beg leave to represent to your lordships, that the act for granting certain stamp-duties in the British colonies in America, &c. fills his Majesty's American subjects with the deepest concern, as it tends to deprive them of the two fundamental and invaluable rights and liberties above-mentioned, and that several other late acts of parliament, which extend the jurisdiction and powers of courts of admiralty in the plantations, beyond their limits in Great-Britain, thereby make an unnecessary and unhappy distinction as to the modes of trial, between us and our fellow subjects there, by whom we never have been excelled in duty and loyalty to our Sovereign.

That from the natural connection between Great-Britain and America, the perpetual continuance of which

your memorialists most ardently desire, they conceive that nothing can conduce more to the interest of both, than the colonists free enjoyment of their rights and liberties, and an affectionate intercourse between Great Britain and them. But your memorialists (not waving their claim to these rights, of which with the most becoming veneration and deference to the wisdom and justice of your lordships, they apprehend they cannot reasonably be deprived) humbly represent, That from the peculiar circumstances of these colonies, the duties imposed by the aforesaid act, and several other late acts of parliament, are extremely grievous and burthensome, and the payment of the said duties will very soon, for want of specie, become absolutely impracticable; and that the restrictions on trade, by the said acts, will not only greatly distress the colonies, but must be extremely detrimental to the trade and true interest of Great-Britain.

Your memorialists, therefore, impressed with a just sense of the unfortunate circumstances of the colonies, and the impending destructive consequences which must necessarily ensue from the execution of those acts, animated with the warmest sentiments of filial affection for their mother-country, most earnestly and humbly entreat, That your lordships will be pleased to hear their counsel in support of this memorial, and take the premises into your most serious consideration, and that your lordships will also be thereupon pleased to pursue such measures for restoring the just rights and liberties of the colonies, and preserving them for ever inviolate, for redressing their present, and preventing future grievances, thereby promoting the united interest of Great-Britain and America, as to your lordships, in your great wisdom, shall seem most conducive and effectual to that important end.

And

And your memorialists as in duty bound will ever pray.

Wednesday, Oct. 23, 1765, A. M.

The congress met according to adjournment.

The petition to the house of commons being ingrossed, was read and compared, and is as follows, viz.

To the honourable the knights, citizens, and burgesses of Great-Britain, in parliament assembled.

The Petition of his Majesty's dutiful and loyal subjects, the freeholders and other inhabitants of the colonies of the Massachusetts-bay, Rhode-Island, and Providence plantations,

New-Jersey, Pennsylvania, the government of the counties of Newcastle, Kent, and Suffex, upon Delaware, Maryland.

Most humbly sheweth,

That the several late acts of parliament, imposing divers duties and taxes on the colonies, and laying the trade and commerce thereof under very burthenome restrictions, but above all the act for granting and applying certain stamp duties, &c. in America, have filled them with the deepest concern and surprize; and they humbly conceive the execution of them will be attended with consequences very injurious to the commercial interest of Great-Britain and her colonies, and must terminate in the eventual ruin of the latter.

Your petitioners therefore most ardently implore the attention of the honourable house, to the united and dutiful representation of their circumstances, and to their earnest supplications for relief, from those regulations which have already involved this continent in anxiety, confusion, and distress.

We most sincerely recognize our allegiance to the crown, and acknowledge all due subordination to the parliament of Great-Britain, and shall always retain the most grateful sense of their assistance and protection. It is from and under the English con-

stitution, we derive all our civil and religious rights and liberties: we glory in being subjects of the best of kings, and having been born under the most perfect form of government; but it is with most ineffable and humiliating sorrow, that we find ourselves, of late, deprived of the right of granting our own property for his Majesty's service, to which our lives and fortunes are entirely devoted, and to which, on his royal requisitions, we have ever been ready to contribute to the utmost of our abilities.

We have also the misfortune to find, that all the penalties and forfeitures mentioned in the stamp act, and in divers late acts of trade extending to the plantations, are, at the election of the informer, recoverable in any court of admiralty in America. This, as the newly erected court of admiralty has a general jurisdiction over all British America, renders his Majesty's subjects in these colonies, liable to be carried, at an immense expence, from one end of the continent to the other.

It gives us also great pain to see a manifest distinction made therein, between the subjects of our mother-country, and those in the colonies, in that the like penalties and forfeitures recoverable there only in his Majesty's court of record, are made cognizable here by a court of admiralty: by these means we seem to be, in effect, unhappily deprived of two privileges essential to freedom, and which all Englishmen have ever considered as their best birthrights, that of being free from all taxes but such as they have consented to in person, or by their representatives, and of trial by their peers.

Your petitioners further shew, That the remote situation, and other circumstances of the colonies, render it impracticable that they should be represented, but in their respective subordinate legislature; and they

humbly

humbly conceive, that the parliament, adhering strictly to the principles of the constitution, have never hitherto taxed any but those who were actually therein represented; for this reason, we humbly apprehend, they never have taxed Ireland, or any other of the subjects without the realm.

But were it ever so clear, that the colonies might in law be reasonably deemed to be represented in the honourable house of commons, yet we conceive, that very good reasons, from inconvenience, from the principles of true policy, and from the spirit of the British constitution, may be adduced to shew, that it would be for the real interest of Great-Britain, as well as her colonies, that the late regulations should be rescinded, and the several acts of parliament imposing duties and taxes on the colonies, and extending the jurisdiction of the courts of admiralty here, beyond their ancient limits, should be repealed.

We shall not attempt a minute detail of all the reasons which the wisdom of the honourable house may suggest, on this occasion, but would humbly submit the following particulars to their consideration.

That money is already become very scarce in these colonies, and is still decreasing by the necessary exportation of specie from the continent, for the discharge of our debts to British merchants.

That an immensely heavy debt is yet due from the colonies for British manufactures, and that they are still heavily burthened with taxes to discharge the arrearages due for aids granted by them in the late war.

That the balance of trade will ever be much against the colonies, and in favour of Great-Britain, whilst we consume her manufactures, the demand for which must ever increase in proportion to the number of inhabitants settled here, with the means of purchasing them. We therefore hum-

bly conceive it to be the interest of Great-Britain, to increase, rather than diminish, those means, as the profits of all the trade of the colonies ultimately center there to pay for her manufactures, as we are not allowed to purchase elsewhere; and by the consumption of which, at the advanced prices the British taxes oblige the makers and venders to set on them, we eventually contribute very largely to the revenue of the crown.

That from the nature of American business, the multiplicity of suits and papers used in matters of small value, in a country where freeholds are so minutely divided, and property so frequently transferred, a stamp duty must ever be very burthensome and unequal.

That it is extremely improbable that the honourable house of commons should, at all times, be thoroughly acquainted with our condition, and all facts requisite to a just and equal taxation of the colonies.

It is also humbly submitted, Whether there be not a material distinction in reason and sound policy, at least, between the necessary exercise of parliamentary jurisdiction in general acts, for the amendment of the common law, and the regulation of trade and commerce through the whole empire, and the exercise of that jurisdiction, by imposing taxes on the colonies.

That the several subordinate provincial legislatures have been moulded into forms, as nearly resembling that of their mother-country, as by his Majesty's royal predecessors was thought convenient; and their legislatures seem to have been wisely and graciously established, that the subjects in the colonies might, under the due administration thereof, enjoy the happy fruits of the British government, which in their present circumstances they cannot be so fully and clearly availed of, any other way under these forms of government we and our

ancestors have been born or settled, and have had our lives, liberties and properties protected. The people here, as every where else, retain a great fondness for their old customs and usages, and we trust that his Majesty's service, and the interest of the nation, so far from being obstructed, have been vastly promoted by the provincial legislatures.

That we esteem our connections with, and dependance on Great-Britain, as one of our greatest blessings, and apprehend the latter will appear to be sufficiently secure, when it is considered, that the inhabitants in the colonies have the most unbounded affection for his Majesty's person, family and government, as well as for the mother-country, and that their subordination to the parliament, is universally acknowledged.

We, therefore, most humbly entreat, That the honourable house would be pleased to hear our counsel in support of this petition, and take our distressed and deplorable case into their serious consideration, and that the acts and clauses of acts, so grievously restraining our trade and commerce, imposing duties and taxes on our property, and extending the jurisdiction of the court of admiralty beyond its ancient limits, may be repealed; or that the honourable house would otherwise relieve your petitioners, as in your great wisdom and goodness shall seem meet.

And your petitioners as in duty bound shall ever pray.

Then the congress adjourned till to-morrow morning, ten o'clock.

Thursday, October 24, 1765.

The congress met according to adjournment.

The congress took into consideration the manner in which their several petitions should be preferred and solicited in Great-Britain, and came to the following determination, viz,

It is recommended by the congress, to the several colonies, to appoint

special agents for soliciting relief from their great grievances, and unite their utmost interest and endeavours for that purpose.

Voted unanimously, That the clerk of this congress sign the minutes of their proceedings, and deliver a copy for the use of each colony and province.

By order of the congress,

JOHN COTTON, Clerk.

Savannah in Georgia, Sept. 6, 1765.

(C O P Y.)

Sir,

Your letter dated in June last, acquainting me, that the house of representatives of your province, had unanimously agreed to propose a meeting at the city of New-York, of committees, from the houses of representatives of the several British colonies on this continent, on the first Tuesday in October next, to consult together on the present circumstances of the colonies, and the difficulties to which they are, and must be reduced, by the operation of the acts of parliament for laying duties and taxes on the colonies, and to consider of an humble representation of their condition to his Majesty and the parliament, and to implore relief, came to hand at an unlucky season, it being in the recess of the general assembly of this province; nevertheless, immediately upon the receipt of your letter, I dispatched expresses to the several representatives of this province, acquainting them with the purport thereof, and requesting them to meet at this place without delay, and accordingly they met here on Monday last, to the number of sixteen, being a large majority of the representatives of this province, the whole consisting of twenty-five persons; but his excellency our governor being applied to, did not think it expedient to call them together on the occasion, which is the reason of their not sending a committee, as proposed by your house, for you may be

be assured, Sir, that no representatives on this continent can more sincerely concur in the measures proposed, than do the representatives of this province now met together, neither can any people, as individuals, more warmly espouse the common cause of the colonies, than do the people of this province.

The gentlemen now present, request it as a favour, you'll be pleased to send me a copy of such representation as may be agreed upon by the several committees at New-York, and to acquaint me how, and in what manner, the same is to be lain before the king and parliament, whether by any person particularly authorised for that purpose, or by the colony agents. The general assembly of this province stands prorogued to the 22d day of October next, which is the time it generally meets for the dispatch of the ordinary business of the province; and I doubt not the representatives of this province will then, in their legislative capacity, take under consideration the grievances so justly complained of, and transmit their sense of the same to Great-Britain, in such way as may seem best calculated to obtain redress, and so as to convince the sister colonies of their inviolable attachment to the common cause. I am, Sir, your most obedient, and most humble servant,

ALEXANDER WILLY.

To Samuel White, Esq. Speaker of
the House of Representatives of
Massachusetts, &c.

New-Hampshire.

Mr. Speaker laid before the house a letter from the honourable Speaker of the honourable house of representatives of the province of the Massachusetts-bay, to the Speaker of this assembly, proposing a meeting of committees, from the several assemblies of the British colonies on the continent, at New-York, to consider of a general, united, dutiful, loyal,

and humble representation of our circumstances, and for imploring his Majesty and the parliament for relief: which being read,

Resolved, That notwithstanding we are sensible such representation ought to be made, and approve of the proposed method for obtaining thereof, yet the present situation of our governmental affairs will not permit us to appoint a committee to attend such meeting, but shall be ready to join in any address to his Majesty and the parliament we may be honoured with the knowledge of, probable to answer the proposed end.

A. CLARKSON, Clerk.

The two foregoing letters are true copies from the original.

Attest. JOHN COTTON, Clerk.

Adjourned to to-morrow morning nine o'clock.

Friday, October 25, 1765.

The congress met according to adjournment.

Time not permitting the clerk to make copies at large, of the proceedings of the congress, for all the colonies, they think it proper, should be furnished therewith;

Resolved, That the gentlemen from the Massachusetts-bay be requested to send a copy thereof to the colony of New Hampshire; the gentlemen of Maryland to Virginia; and the gentlemen of South Carolina to Georgia, and North Carolina. Signed per order, J. COTTON, Clerk.

An account of the disposition of the £.500 granted by ordinance, and received of the treasurer, by William Murdock, Edward Tilghman, and Thomas Ringgold.

To cash paid the whole	}	£. s. d.
expences of the committee to New-York, there and back again.		
To cash paid expresse to New York, to give notice of our coming.	}	15

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To

	£.	s.	d.	
Brought over	153	14	1	By cash received of the Treasurer in gold, £.500, at 5/6 per dwt. as follows:
To paid for exprefs, to send a copy of our proceedings to the Speaker of Virginia.	1	10		409 Spanish pistoles, at 27/6. 532 3
To paid for a bill of exchange, to remit to Charles Garth, Esq; with the address and petitions 150l. sterling, at 65 per cent. exchange.	247	10		5 Half Johannes, at 57/6. 14 7 6
Cash remaining in hand	172	7	8	4 French pistoles, at 26/6. 5 6
127 pistoles, and				1 Moidore, - - - 2 3 6
18/8.				1 Half ditto, - - - 1 1 9
	575	1	9	
				575 1 9

S I R, O^ctober 26, 1765.

We had the honour to be appointed by the house of representatives of the province of Maryland, a committee, to meet committees of the members of assembly of the other colonies on this continent, at New York, the first of this instant, to join in a general, and united, dutiful, loyal, and humble representation of the condition of those colonies, to his Majesty and the parliament, and to implore relief from the grievous burthens lately laid upon our trade, and the taxes and duties lately imposed on us, especially by the Stamp-act.

Accordingly members from nine colonies met, to wit, from the Massachusetts-bay, Connecticut, Rhode-island and Providence plantations, New-York, New-Jersey, Pennsylvania, the government of the counties of Newcastle, Kent, and Sussex, upon Delaware, Maryland, and South Carolina, but as you'll find the address, &c. signed only by members from six of those colonies, it may be proper to acquaint you with the reasons why they did not all sign, though they all concurred with the proceedings.

The lieutenant-governor of New-York prorogued their assembly from time to time, so that their house had not an opportunity of appointing

members with full powers to join, and sign the address, &c. Yet the assembly of New-York having, at their last meeting, appointed five of their members as a committee, not only to correspond with their agent at home, but also during the recess of the house, to write to and correspond with the several assemblies, or committees of assemblies on this continent, on the subject matter of the several late acts of parliament, so grievous and dangerous to their colonies, it was thought proper to admit this committee to join in the conferences, and they agreed to what was done, and promised to use their endeavours with their assembly to concur also whenever they should be permitted to meet.

The South-Carolina assembly, not rightly viewing the proposal (which originally came from the assembly of the government of the Massachusetts-bay) as it was intended that the several committees, when met, should frame and sign an address to his Majesty, and memorial and petition to the parliament, to be immediately dispatched by the congress, instructed their members (Messrs. Lynch, Rutledge, and GadSDen) to return their proceedings to them for approbation. The Connecticut assembly made the same restrictions in their instructions.

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The assembly also of New Hampshire wrote, that they had resolved, That notwithstanding they were sensible such a representation ought to be made, and approved of the proposed method for obtaining thereof, yet the present situation of their governmental affairs would not permit them to appoint a committee to attend such meeting, but should be ready to join in any address to his Majesty and the parliament they might be honoured with the knowledge of, probable to answer the proposed end: and the Speaker of the assembly of Georgia wrote, that a majority of their members had applied to the governor to call their assembly, and he did not think it expedient, which was the reason they did not send a committee as proposed, but requested us to transmit a copy of our proceedings to them (which will be done) and that their assembly would meet about this time, and he did not doubt but they should act so as to convince the sister colonies of their inviolable attachment to the common cause: we also understood the North-Carolina, and we know the Virginia assembly was prorogued, whereby they could not have the opportunity of joining us; so that we doubt not but the colonies who have not signed, will very speedily transmit similar addresses, &c. if their assemblies should not be hindered from meeting: and to this purpose, we hope you'll soon hear from the assembly of South-Carolina. By the gentlemen of that colony we were favoured with a sight of your late letters, and informed of your careful and spirited conduct with regard to the interests of that colony, and that, together with your declaration which we find in those letters, that you enjoy an independent seat in the British parliament, induced us (as we have no established agent at present, for this province, nor have yet been able to obtain a law to tax ourselves for that purpose) to trouble you with our request, that you will present the inclosed address to his

Majesty, and memorial and petition to the houses of parliament, and exert your utmost interest and abilities in behalf of this poor distressed country, and of this province in particular.

We hope, as there is a change in the ministry, and as the gentlemen in the house of commons may, at their next meeting, take a more enlarged view of the true interest of Great-Britain and her colonies, they will find it to be in supporting the rights and encouraging the trade of the latter, and that the happiness of the mother-country and her colonies must be inseparable, and that we shall obtain relief.

The several committees agreed to recommend it to their respective colonies, to appoint special agents on this occasion, and to instruct them to unite their utmost interest and endeavours for that purpose. One address, &c. was transmitted by the gentlemen of the Massachusetts government, immediately to their agent (Mr. Jackson we understood) and we expect the other colonies will have duplicates sent to their agents, and we hope will all unite in expence and instructions, to have able counsel before both the lords and commons, as our petitions pray.

We were intrusted with the disposition of some money upon this occasion, and inclose you a bill of exchange, on Messrs. Capel and Osgood Hanbury, for one hundred and fifty pounds sterling, as a compensation for your trouble and expence in this affair. We doubt not our assembly will approve of what we do in this matter; and as they are to meet the last of this month, we shall lay our proceedings before them, and it is probable they will write you more fully, and furnish you with such further instructions and arguments as may appear to them to be proper to be given and urged on this occasion, in behalf of the colonies. We are, your most obedient servants.

(End of the proceedings of the Congress.)

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The sum expected to be raised by the stamp-duty, was £.100,000 *per annum*.

On the 9th of July 1765, the board of treasury (in London) entered upon their books the following minute: "That, in order to obviate the inconvenience of bringing into this kingdom the money to be raised by the stamp duties, all the produce of the American duties, arising or to arise by virtue of any British act of parliament, should from time to time be paid to the deputy pay-master in America, to defray the subsistence of the troops, and any military expences incurred in the colonies."

In June 1765, the king thought proper to dismiss his ministers. The Marquis of Rockingham was appointed first lord of the treasury, and others, his lordship's friends, succeeded to the vacant places.

The resolutions of the house of burgesses of Virginia (in pages 6 and 7) being laid before the new board of trade, they, on the 27th of August, represented to the king in council, "That the resolutions, as they contain an absolute disavowal of the right of the parliament of Great-Britain to impose taxes upon her colonies, and a daring attack upon the constitution of this country, appear to us to require an immediate and serious attention; and whatever further measures your Majesty may, with the advice of your council, judge proper to be taken either for expressing your royal disapprobation of these proceedings, or for preventing the fatal consequences which they naturally tend to produce, we think it our duty to submit to your Majesty's consideration, whether, in the mean time, it may not be expedient to dispatch immediate instructions to your Majesty's servants in your Majesty's colony of Virginia, who may be concerned in enforcing the execution of the law for levying the duty upon stamps, that they do each in their several department, in support of the authority of parliament, vigorously exert themselves, and, with

becoming resolution upon every occasion, exact a due obedience to all the laws of the land."

This representation was referred to the privy council.

On the 3d of October, 1765, the privy council reported to the king, "That this is a matter of the utmost importance to the kingdom and legislature of Great Britain; and of too high a nature for the determination of your Majesty in your privy council, and is proper only for the consideration of Parliament."

The resolutions of the other assemblies of the colonies were in like manner represented to the king by the new board of trade, and referred to the privy council, who reported of them in similar terms.

Parliament, however, did not meet for business till January 1766, when the following papers were laid before both houses.

Copy of a letter from Mr. Secretary Conway, to Lieutenant Governor Fauquier.

S I R, Sept. 14, 1765.

It is with the greatest pleasure I received his Majesty's commands to declare to you his most gracious approbation of your conduct. His Majesty and his servants are satisfied, that the precipitate resolutions you sent home did not take their rise from any remissness or inattention in you; nor is his Majesty at all inclined to suppose, that any instance of diffidence or dissatisfaction could be founded in the general inclination of his antient and loyal colony of Virginia; the nature of the thing and your representations induce a persuasion, that those ill-advised resolutions owed their birth to the violence of some individuals, who taking the advantage of a thin assembly, so far prevailed, as to publish their own unformed opinions to the world as the sentiments of the colony. But his Majesty, Sir, will not, by the prevalence of a few men, at a certain moment,

moment, be persuaded to change the opinion, or lessen the confidence, he has always entertained of the colony of Virginia; which has always experienced the protection of the crown. His Majesty's servants, therefore, with entire reliance on your prudence, and on the virtue and wisdom of the colony entrusted to your care, persuade themselves, that when a full assembly shall calmly and maturely deliberate upon those resolutions, they will see, and be themselves alarmed at, the dangerous tendency and mischievous consequences which they might be productive of, both to the mother country and the colonies, which are the equal objects of his Majesty's parental care; and whose mutual happiness and prosperity certainly require a confidential reliance of the colonies upon the mother country.

Upon these principles, Sir, and upon your prudent management, and a proper representation to the wise and sober part of the people, how earnest his Majesty is to extend the happy influence of his fatherly care over every part of his dominions, it is expected that a full assembly will form very different resolutions, such as may cement that union, which alone can establish the safety and prosperity of the colonies and the mother country.

As there is no intention in the crown to attempt, nor in the king's servants to advise, any encroachments on the real rights and liberties of any part of his Majesty's subjects; so neither will his Majesty undoubtedly submit, or his servants advise, under any circumstances, that the respect which is due to parliament, and which is necessary for the good of the whole British empire, should any where be made a sacrifice to local and dangerous prejudices.

As this important matter is, however, now before his Majesty's privy council, as well as the other consideration of the dangerous riot and

mutinous behaviour of the people on the frontiers, I shall not pretend to give any advice or instructions on these subjects; not doubting, but you will soon have the fullest from the wisdom of that board, in all those things, in which, by your last accounts, the most essential interests of the colony are so deeply concerned.

You will therefore, in the mean time, be very attentive, by every prudent measure in your power, at once to maintain the just rights of the British government, and to preserve the peace and tranquillity of the provinces committed to your care.

But as these appear to me matters of government fit for his Majesty's more immediate notice and information, I must beg you will not fail to transmit to me such occurrences, from time to time, on these heads, as you may deem of importance in the light I mention. I am, &c.

H. S. CONWAY.

Extract of a letter from Mr. Secretary Conway, to Major General Gage.

SIR, *October 24, 1763.*

It is with the greatest concern, that his Majesty learns the disturbances which have arisen in some of the North American Colonies: these events will probably create application to you, in which the utmost exertion of your prudence may be necessary; so as justly to temper your conduct between that caution and coolness, which the delicacy of such a situation may demand on one hand, and the vigour necessary to suppress outrage and violence on the other. It is impossible, at this distance, to assist you by any particular or positive instruction, because you will find yourself necessarily obliged to take your resolution as particular circumstances and emergencies may require.

It is hoped, and expected, that this want of confidence in the justice and tenderness of the mother country, and this open resistance to its authority,

thority, can only have found place among the lower and more ignorant of the people. The better and wiser part of the colonies will know, that decency and submission may prevail, not only to redress grievances, but to obtain grace and favour, while the outrage of a public violence can expect nothing but severity and chastisement. You, and all his Majesty's servants, from a sense of your duty to, and love of, your country, will endeavour to excite and encourage these sentiments.

If, by lenient and persuasive methods, you can contribute to restore that peace and tranquillity to the provinces, on which their welfare and happiness depend, you will do a most acceptable and essential service to your country: but having taken every step which the utmost prudence and lenity can dictate, in compassion to the folly and ignorance of some misguided people, you will not, on the other hand, where your assistance may be wanted to strengthen the hands of government, fail to concur in every proper measure for its support, by such a timely exertion of force, as may be necessary to repel acts of outrage and violence, and to provide for the maintenance of peace and good order in the provinces.

Copy of a Letter from Mr. Secretary Conway, to Governor Bernard.

S I R, October 24, 1765.

Your letters of the 15th, 16th, 22d, and 31st of August, have been received; the three former not till yesterday.

It is with the greatest concern his Majesty learns the disturbances which have lately arisen in your province, the general confusion that seems to reign there, and the total languor and want of energy, in your government, to exert itself with any dignity or efficacy, for the suppression of tumults, which seem to strike at the very being of all authority and subor-

dination among you. His Majesty cannot but, with the greatest surprise, hear of the refusal of your council to call for the aid of any regular force to the support of the civil magistracy, at a time when, it seems, you had reason to think, there was no other power capable of providing for the peace and quiet of the province.

Nothing can, certainly, exceed the ill-advised and intemperate conduct held by a party in your province, which can in no way contribute to the removal of any real grievance they might labour under, but may tend to obstruct and impede the exertion of his Majesty's benevolent attention to the ease and comfort, as well as the welfare, of all his people.

It is hoped, and expected, that this want of confidence in the justice and tenderness of the mother country, and this open resistance to its authority, can only have found place among the lower and more ignorant of the people; the better and more wise part of the colonies will know, that decency and submission may prevail, not only to redress grievances, but to obtain grace and favour, while the outrage of a public violence can expect nothing but severity and chastisement. These sentiments, you, and all his Majesty's servants, from a sense of your duty to, and love of, your country, will endeavour to excite and encourage: you will all, in a particular manner, call upon them not to render their case desperate; you will, in the strongest colours, represent to them the dreadful consequences that must inevitably attend the forcible and violent resistance to acts of the British parliament, and the scene of misery and distraction to both countries, inseparable from such a conduct.

If, by lenient and persuasive methods, you can contribute to restore that peace and tranquillity to the provinces, on which their welfare and happiness depend, you will do a most acceptable and essential service to your country;

country; but having taken every step which the utmost prudence and lenity can dictate, in compassion to the folly and ignorance of some misguided people, you will not, on the other hand, fail to use your utmost power for repelling all acts of outrage and violence, and to provide for the maintenance of peace and good order in the province, by such a timely exertion of force, as the occasion may require; for which purpose, you will make the proper applications to General Gage, or Lord Colvil, commanders of his Majesty's land and naval forces in America: for however unwilling his Majesty may consent to the exertion of such powers as may endanger the safety of a single subject, yet can he not permit his own dignity, and the authority of the British legislature, to be trampled on by force and violence, and in avowed contempt of all order, duty and decorum.

If the subject is aggrieved, he knows in what manner legally and constitutionally to apply for relief: but it is not suitable, either to the safety or dignity of the British empire, that any individuals, under the pretence of redressing grievances, should presume to violate the public peace. I am, &c.

H. S. CONWAY.

P. S. The sloop which carries this will carry orders to Lord Colvil, and to the Governor of Nova-Scotia, to send to your assistance any force which may be thought necessary from thence, and which that province can supply.

Copy of Mr. Secretary Conway's circular letter to the Governors in North-America.

S I R, October 24, 1765.

It is with the greatest concern, that his Majesty learns the disturbances which have arisen in some of the North-American colonies: if this evil should spread to the Government of ———, where you preside, the

utmost exertion of your prudence will be necessary, so as justly to temper your conduct between that caution and coolness which the delicacy of such a situation may demand, on the one hand, and the vigour necessary to suppress outrage and violence, on the other. It is impossible, at this distance, to assist you, by any particular or positive instruction; because you will find yourself necessarily obliged to take your resolution, as particular circumstances and emergencies may require.

His Majesty, and the servants he honours with his confidence, cannot but lament the ill-advised intemperance shewn already in some of the provinces, by taking up a conduct, which can in no way contribute to the removal of any real grievance they might labour under, but may tend to obstruct and impede the exertion of his Majesty's benevolence and attention to the ease and comfort, as well as the welfare, of all his people.

It is hoped and expected, that this want of confidence in the justice and tenderness of the mother-country, and this open resistance to its authority, can only have found place among the lower and more ignorant of the people. The better and wiser part of the colonies will know, that decency and submission may prevail, not only to redress grievances, but to obtain grace and favour, while the outrage of a public violence can expect nothing but severity and chastisement. These sentiments you, and all his Majesty's servants, from a sense of your duty to, and love of, your country, will endeavour to excite and encourage.

You will all, in a particular manner, call upon them not to render their case desperate. You will, in the strongest colours, represent to them the dreadful consequences that must inevitably attend the forcible and violent resistance to acts of the British parliament, and the scene of misery and calamity to themselves, and of mutual

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mutual weakness and distraction to both countries, inseparable from such a conduct.

If, by lenient and persuasive methods, you can contribute to restore that peace and tranquillity to the provinces, on which their welfare and happiness depend, you will do a most acceptable and essential service to your country: but having taken every step which the utmost prudence and lenity can dictate, in compassion to the folly and ignorance of some misguided people, you will not, on the other hand, fail to use your utmost power, for repelling all acts of outrage and violence, and to provide for the maintenance of peace and good order in the province, by such a timely exertion of force as the occasion may require; for which purpose, you will make the proper applications to general Gage, or lord Colville, commanders of his Majesty's land and naval forces in America. For however unwillingly his Majesty may consent to the exertion of such powers as may endanger the safety of a single subject; yet can he not permit his own dignity, and the authority of the British legislature, to be trampled on by force and violence, and in avowed contempt of all order, duty and decorum.

If the subject is aggrieved, he knows in what manner legally and constitutionally to apply for relief; but it is not suitable, either to the safety or dignity of the British empire, that any individuals, under the pretence of redressing grievances, should presume to violate the public peace. I am, &c.

H. S. CONWAY.

P. S. *To Governor Wilmot.*

You will probably receive application from governor Bernard, to send him part of the force which may be within your government. Lord Colville has command to transport them; and you will be very attentive, that the public service should

suffer no impediment from any delay in you, when such application is made.

Extract of a letter from Mr. Secretary Conway, to Major-General Gage.

S I R, December 15, 1765.

I Had the favour of your letters of the 4th, 8th, and 9th of November last, by which I learn, with the utmost concern, the disordered state of the province where you reside, and the very riotous and outrageous behaviour of too many of the inhabitants.

I did not fail to lay your dispatches, together with those of lieutenant-governor Colden, before his Majesty, who, though highly provoked by such an insult offered to his governor there, is however pleased to hear, that matters were not pushed to such extremity, as might have cost the lives of many of his subjects, and perhaps have tended, as you seem apprehensive, to the great detriment, if not ruin, of the town of New-York; particularly if the fort had fired on that insolent and insatuated mob which so provokingly approached. The temper shewn, as well by lieutenant-governor Colden, as by the officers there, is highly to be commended. His Majesty is willing to suppose, that both yourself and governor Colden have acted on principles of duty to his service, in the advice and resolution formed to put the stampd paper into the hands of the magistrates of New-York; which, however, unless the necessity for it appeared very pressing, must certainly be looked upon as a step greatly humiliating and derogating to his Majesty's government.

If the post was not tenable, or the papers insecure there, it should seem much preferable to have put them on board the man of war, as was proposed: nor does there appear any good reason, why captain Kennedy refused to take them. It is difficult, at this distance, to judge with the same propriety of conduct, to be held on occasions

occasions of such difficulty and importance, as on the spot. Had the personal safety of those in the fort alone been considered, I am persuaded, there would not have been a moment's hesitation about the defence of it, against any attack that might rashly have been attempted: nor can his Majesty suppose any want of resolution for his service, in those who have; in their different stations, given so many proofs of their regard to it. It should otherwise seem, that the reality of the mobs being armed, and prepared for an actual attack, should have been well ascertained before the papers were given up.

The step you have thought fit to take, in drawing together such forces as their situation allowed, was certainly prudent, and could not be too soon determined, on any positive grounds, to suspect an insurrection; and especially in regard to the securing his Majesty's stores, a circumstance which will still demand your greatest attention; and particularly those arms, which may be seized by the mob for their own mutinous purposes.

Your situation is certainly delicate and difficult, it requires both prudence and firmness in the conduct of all employed in his Majesty's service there; especially, considering what you say of the difficulty, or rather impossibility, of drawing any considerable number of men together, and of the impracticability of attempting any thing by force, in the present disposition of the people, without a respectable body of troops.

You seem to think there are still hopes, that as the spirits of those unhappy people have time to cool, there will be more submission shewn; your will not fail, I am persuaded, in your station, to avail yourself of every favourable symptom for the improvement of such favourable dispositions, any more than to exert yourself, where the necessity of the case may require, in support of the

honour of government, and for suppressing any riotous or rebellious resistance offered to the laws, or those magistrates who have the execution of them.

I hope my former letters are come safe, as they will have conveyed to you his Majesty's sentiments and commands for your conduct, on the first notice of these disturbances.

Copy of a letter from Mr. Secretary Conway, to Lieutenant-Governor Colden.

S I R, December 15, 1765.

I Have received your letter of the 5th of November by major James, and that of the 9th of the same month by the packet, with the minutes of the council of New-York, from the 31st of October to the 6th of November, &c.—From your last letter, I have hopes that time will produce a recollection, which may lead these unhappy people back to a sense of their duty; and that, in the mean time, every proper and practicable measure will be taken to awe that licentious spirit, which has hurried them to those acts of outrage and violence, equally dangerous to the sober and well-disposed part of the people, the ease and quiet of the city, and subversive of all order and authority among them,

Sir Henry Moore will certainly be arrived before this reaches you; it is expected, therefore, Sir, from your knowledge of the country and people, that you should inform the new governor of every thing necessary for his knowledge, as well respecting the state of things, as the characters and dispositions of men in that country. He will see that, by his instructions, he is empowered to suspend members of the council, and officers of the law, who shall appear to desire it; being, in that case, only obliged to send home immediately the reasons and causes of such suspension. It is not improbable, that such times as those

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may require the exercise of that power: as it is not doubted the governor will use it with discretion, so it is expected he should not want firmness to use it boldly, whenever it may seem useful to the King's service and the public peace.

October 1, 1765.

Copy of a Representation of the Lords Commissioners for Trade and Plantations, touching the Proceedings and Resolutions of the House of Representatives of Massachusetts Bay, with respect to the Act for levying a Duty upon Stamps in America, and to other Acts of the Parliament of Great Britain.

To the King's Most Excellent Majesty.

May it please your Majesty,

The house of representatives of your Majesty's province of Massachusetts Bay having, last year, printed and published, in the journals of their proceedings, a letter from a committee of that house to their agent here; in which letter the acts and resolutions of the parliament of Great-Britain were treated with the most indecent disrespect, and principles tending to a denial of the right of parliament to levy taxes upon your Majesty's subjects in the colonies, were openly avowed; our predecessors in office thought it their duty to transmit this transaction to your Majesty's consideration, to the end that such directions might be given, as the nature and importance of the matter should appear to require.

Since this, and since the passing the act of parliament for levying a stamp duty in America, the grounds of which act gave rise to the reflexions contained in the above-mentioned letter, the same spirit that dictated the sentiments it expresses, has appeared throughout the whole proceedings of the said house of representatives.

Upon the election of counsellors, who, by the constitution of this

colony, are annually chosen by the house of representatives, the strongest endeavours were used to preclude your Majesty's secretary of state, who has always been a member of the council from his seat at that board; and this, as your Majesty's governor represents, merely on account of his having received an appointment (unsolicited) to be a distributor of the stamps: and the motion made in that house, to discontinue the annual salary allowed for the support of your Majesty's governor, upon which proceeding we have this day made a separate representation to your Majesty, seems to have arisen from the same motives.

These, however, being only attempts of individuals in the community, would not either have required or deserved your Majesty's attention, in the light in which we view them; but it further appears, from the journals of the house of representatives in their last session, that "this assembly, having thought fit to make the propriety and expediency of the stamp-act, and of other acts of parliament, a subject of open question and discussion," came to several resolutions and proceedings thereupon, which they kept secret till the last day of their session, when they published them in their printed journals—Then follow the resolutions—Then the board of trade proceeds thus: The object of the resolutions and proceedings of the house of representatives of Massachusetts Bay, is to recommend to, and induce, the rest of your Majesty's colonies in America, to join in a general congress of committees from the several assemblies, independent of the other branches of the legislature, and without any previous application to your Majesty, to consider and deliberate upon the acts of the parliament of this kingdom. As this appears to us to be the first instance of a general congress, appointed by the assemblies of the colonies without the authority of the

the crown; a measure which we conceive of dangerous tendency in itself, and more especially so, when taken for the purposes expressed in the above-mentioned resolution, and connected with the spirit that has appeared throughout the whole conduct of this particular assembly; we therefore think it our indispensable duty to submit this matter to your Majesty's consideration, for such directions as your Majesty, with the advice of your council, may think proper and expedient to give thereupon.

All which is most humbly submitted, &c.

Whitehall, Oct. 1, 1765.

Copy of a Representation from the Board of Trade, with several Papers transmitted, relative to the outrageous Behaviour of the People at the Town of Boston, in Opposition to the Stamp-Duty Act. Dated October 10, 1765. To the King's Most Excellent Majesty.

May it please your Majesty,

Since our humble representation to your Majesty of the 1st instant, in consequence of some alarming proceedings in the house of representatives, in the province of Massachusetts Bay, we have received letters from ———, giving an account of a riot of a most dangerous tendency, which had arisen in the town of Boston, and which, directing its fury against the houses and persons of the lieutenant-governor, and other principal officers of government, continued with repeated acts of extraordinary violence, from the 15th of August to the 26th of the same month; at which period the tumult seemed suspended, rather than allayed.

In whatever light these disturbances may be viewed, whether in respect of the avowed object, which the perpetrators and abettors of them declare to be a general resolution, to oppose and prevent the execution of an act of the parliament of Great-Britain, or in respect of the state of government and

magistracy there, which ——— presents to be utterly incapable of resisting or suppressing these tumults and disorders, they seem to us of such high importance, that we lose no time in laying the letters and papers relating thereunto before your Majesty, that your Majesty may direct such measures to be pursued, as your Majesty, with the advice of your council, shall think most prudent and effectual.

Which is most humbly submitted, &c.

Philadelphia, Oct. 12, 1765.

Gentlemen,

Having been confined to my bed twenty-five days past, with a violent disorder that was expected would have proved mortal, but thank God am now able to set up in bed, I shall attempt to give you a sketch of not only my own conduct, but also that of the presbyterians and proprietary party here, relative to the stamp-office.

In May last I received information by a letter from Doctor Franklin, that he had recommended me for chief distributor of the stamps in this province, and thus the matter rested, until some gentlemen to the eastward received their commissions, whereupon mobs arose in several of the eastern provinces, and the officers were obliged to resign; but as a prelude to the destruction and disorder made by those mobs, the printers in each colony, almost without exception, stuffed their papers weekly, for some time before, with the most inflammatory pieces they could procure, and excluded every thing that tended to cool the minds of the people; these measures they pursued, until the presbyterians in particular, in every colony, began to threaten the stamp-officers; and those gentry in this province, about the beginning of September, began to be very noisy, and some of them said, I ought to resign; I gave

I gave them for answer, I had as yet no commission, therefore could not resign what I had not. However, about the middle of September, it was reported that the stamps would arrive in captain Friend, who was then expected, and these riotous gentry began to threaten they would destroy the stamps as soon as they arrived; I therefore being desirous, or as far as in me lay, to preserve the stamps, wrote on the 17th the letter (No. I.) to his honour the governor, but received no answer, and as the stamps did not arrive in Capt. Friend, matters rested until October the 2d, when I received the paper, (No. II.) being a note from Captain William Dovel, a tool of the party, and therefore I wrote my answer (No. III.) to Mr. Dickeson, the owner of the ship, and on the next day I wrote my letter (No. IV.) to his honour the governor, but received no answer, and here matters rested until Saturday the 5th of October, when I received information, that the ship with the stamps was come up to the town that day, and that a mob would be collected, by beating muffled drums through the street, and ringing the state-house and church-bells muffled, which was accordingly done all the afternoon, but at two o'clock the post arrived with the mail and packet, and, among other things, my commission; this the party ventured to alledge, because there was a large packet for me; accordingly the mob collected, chiefly presbyterians and proprietary emissaries, with the Chief Justice's (Mr. William Allen) son at their head, animating and encouraging the lower class.

About three o'clock, the following persons; viz. James Tilghman, Esq. attorney at law, Messieurs Robert Morris, Charles Thompson, Archibald M^cCall, John Cox, William Richards, merchants, and Mr. William Bradford, printers, came to me on a deputation from a great number

collected at the State-house, to request my resignation. I answered, it is true, I now have my commission, but as two gentlemen are bound for my performance, in the sum of £.5000, I could not resign, unless indemnify my bail. Altercations on this head took up near an hour (low as I was), and at last they said, all that was expected of me, was, that I would not put the act in execution in this province, until his Majesty's further pleasure was known, or until the act should be put in execution in the neighbouring colonies; to this I thought proper to signify some disposition to comply, because I had many informations by my friends, that the mob intended to proceed to the last extremities, if I did not resign; upon this the deputation withdrew to consult their associates, and at six o'clock I received the paper, (No. V.) being a peremptory demand; then the matter rested until Sunday morning, when having recovered my spirits a little from the fatigue of that long altercation aforesaid, I looked over the paper, and found it more positive than what had been mentioned the day before, and therefore sent for Mr. Charles Thompson, one of the deputation, and asked him if they were sincere the day before, or whether they came to withdraw what they would first, and then force the rest, because I observed the paper sent me did not agree with the proposition made to me; he said he was sincere, and could only answer for himself: I replied, well, gentlemen, you must look to yourselves, for this is a high affair; he made answer, thus I do not know, but hope it will not be deemed rebellion. Indeed, Sir, I know no other name for it—Well, says he, I know not how it may end, for we have not yet determined, whether we will ever suffer the act to take place here or not, and took his leave. On Monday morning, at ten o'clock, the whole deputation

deputation came, and I offered them the paper (No. VI.), and after some consultation among themselves, they objected to their names being inserted. I said, why, sure gentlemen, you have not done a thing you are ashamed to own; not in the least they said, but there was no necessity for their names being inserted, nor would they receive that resignation; whereupon I said to Mr. Tilghman, come, Sir, take the pen and please yourself, for I see you are determined to be arbitrary; he then took the pen, and formed the paper, (No. VII.) and when it was transcribing, I asked them what they intended to do with the stamps, as they assumed the supreme power in the province; they then looked at one another for a while, and seemed somewhat confused; but, at last, Mr. Tilghman replied, we did not come prepared to speak to that head; then another replied, let Mr. Hughes take care of them. I answered, gentlemen, that cannot be, as you have now fixed matters; for were I to take the stamps into my care, I should have your party come about my house, and pull it down, and destroy both me and them. Well, says another, let the governor take care of them; another then says, perhaps the governor will call upon Mr. Hughes to put the act in execution, and when he declines, the governor perhaps will appoint an officer, and the act may take place. Here a general pause ensued, but at last one and all cried out, let us see who will dare put the act in execution; upon the governor's appointment we will take care of that; by this time the paper (No. VII.) was transcribed, and after I had signed it, they went away to proclaim it to their friends, and the next day I wrote the letter (No. VIII.) to the governor, and received the under-written verbal answer by my son.

"My health, at this time, will not permit me to be more expeditious

on this very extraordinary transaction; what I have said, is sufficient to inform you, gentlemen, and the lords commissioners, that unless my hands are strengthened, it will never be in my power to put the act in execution.

"Perhaps their lordships, and you, gentlemen, may expect that the governor will exert himself on the occasion, and strengthen my hands; but this will not happen, for on the day that the mob were collecting, and after the drums began to beat, I am informed his honour left the city, and presently after the attorney-general, who is recorder of the city, left it also; whether the mayor and chief justice were out of the city, I cannot say, but this is certain, that no one magistrate or public officer appeared abroad the whole day, to discourage the mob, or to give the least aid or protection. All, therefore, that I shall add on this head, is, that if ever my hands are strengthened, so as it will be in my power to do my duty, as chief distributor of the stamps, I shall not fail to comply with the duties of my office in the strictest manner, and then I hope will sufficiently save my securities in their lordships and your opinion, as it is now out of my power to discharge my duty until the face of affairs are changed.

"In paper (No. 7.) you will observe the three counties upon Delaware included in my resignation, the reason of which was, that on Saturday the 6th of October, a friend of mine privately sent up a little boy to inform me, that he had reason to believe a mob was uniting in those counties, and would soon be up at Philadelphia. This I knew would raise a second mob, and therefore I did not prevent it, and it has had the desired effect.

"I am now to acknowledge the receipt of a letter from the secretary of the stamp-office, and also a bill of lading for three cases and seven packs of stamps for this province, exclusive

clusive of those for New Jersey and Maryland, but there is neither invoice nor bills of parcels, nor any account of the prices the stamp paper or parchment is to be sold at. I have seen a printed paper, said to be the prices of the stamps, &c. but as the bill of lading makes me liable to the freight, I should be glad to know whether the freight is included in these printed papers, or not; if I had received the stamps, I should have been at a loss on the 1st of November how to proceed, but as things now stand, there is time for my being fully informed, and especially with respect to the invoice of bills of parcels, without which it is impossible for me to know what I am charged with at the stamp-office, and how far the goods received agree with the charge.

"I am further to inform you, that I received in the packet sent by your secretary, a bond, which in his letter he directed, I should execute before the governor, or some other person of note, and sent it back to the stamp-office by the first conveyance, which I should have punctually complied with, had I been in health, and had not our over-ruling gentry the mob thought fit to direct otherwise; however, I have the bond in my custody, and whenever there is a prospect of carrying the act into execution, shall not fail to execute the bond, and transmit it to the stamp-office by the first opportunity, and also do every thing in my power faithfully to discharge my duty.

"I am further to inform you, gentlemen, that I am extremely obnoxious to the governor, men in power, and that for no other reason, than that I have constantly, while I have been in the assembly, endeavoured to promote the king's interest, and given opposition to some favourite schemes that tended to retard his Majesty's service.

"I am also unfortunate enough to

be particularly hateful to the chief justice, because I have charged him in the house of assembly with being a rebel, upon his saying, "That if ever the government was changed, we should find the king's little finger heavier than the proprietor's loins." This declaration he made in the house of assembly more than once, and I as often alledged, that his allegation tended to alienate the affection of the subject from the king, and therefore was treason, and that none but a rebel would be guilty of it. I also am particularly hateful to the proprietary party, because it was my interest, assiduity, and influence in the house of assembly, that enabled the province to send home Doctor Franklin, to present our petitions for a change of government, from proprietary to royal, which I hope is effected by this time.

"Since writing the above, I am informed that Benjamin Shoemaker, Esq. who is one of the people called quakers, also an alderman of this city, met with the drummers as they were alarming the city, and took them to task, requiring to know by what authority they were endeavouring to raise a mob, they answered, if he would go to the State-house, he might know; he then asked who ordered them to beat about the streets, they said, they had their orders from the coffee-house. [N. B. Kept by the before-mentioned Mr. Bradford.] Mr. Shoemaker then forbid them to proceed any further, and he said he would go immediately to the mayor and have them committed; they answered they could get the mayor's orders when they pleased. But Mr. Shoemaker could not find the mayor, nor any officer to assist him, and therefore was obliged to desist, lest he should draw the mob upon himself and family, and so have his house pulled down.

"If some rule and order does not take place in America, I am very sure

sure every person who has been named to the stamp-office, must leave North America shortly, or they and their families will fall a sacrifice to the deduced populace.

"Common justice calls upon me to say, the body of people called quakers, seemed disposed to pay obedience to the stamp-act, and so do that part of the Church of England, and baptists, that are not some way under proprietary influence. But presbyterians, and proprietary missions, spare no pains to engage the Dutch and lower class of people, and render the royal government odious, but at the same time profess great loyalty to the best of kings; and yet insinuate that his immediate government is intolerable. If his Majesty and his ministers knew the pains taken by the proprietary partisans to give a wrong bias to the minds of his Majesty's subjects, I am confident they would not suffer the powers of government to remain six months in the hands of any proprietor on the continent; neither ought the powers of government to be lodged in any private person, it being disadvantageous to both his Majesty's subjects.

"I shall conclude with the following observation; viz. That if Great-Britain can, or will suffer such kind of conduct in her colonies to pass unpunished, a man need not be a prophet, nor the son of a prophet, to see clearly, that her empire in North-America is at an end; for I dare say the mobbing gentry will immediately proceed to other extravagancies, as they will then begin to think their united power irresistible.

"That God, of his infinite goodness, may direct the councils and measures of his Majesty, of his ministers, to that which may be best for Great Britain and North America, is, and shall be the constant prayer of, Gentlemen, your most obedient and most humble servant,

To the Commissioners JOHN HUGHES.
of the stamp-office.

Philadelphia, September 17, 1765.

No. I.

As great riots and disturbances have happened in some of the neighbouring colonies, occasioned by a dislike the people have to the stamp-act, and it being reported that the stamp papers, &c. for the province, may be expected in a little time, and, as his Majesty's revenue is deeply interested in the preservation thereof, think it my duty to acquaint you, that notwithstanding of any reports spread of my being named by the officers for this province, that I have not received either bond, commission, nor any other information whatsoever, of my appointment from the stamp-office, or lords of the treasury, and therefore I can have no pretension whatever, to take charge of the paper should they arrive. This information I have thought necessary to give you, that you may take such measures in the premises, as you shall think consistent with your duty and judgment. I am, Sir, your most obedient humble servant,

JOHN HUGHES.

To the Hon. John Penn, Esq.

Lieutenant Governor of
Pennsylvania.

No. II.

Sir,

Mr. Dickenson is in town from London, and the ship Charlotte is at Newcastle, and do not chuse to bring her up till you give orders about the stamp-papers, as she is a valuable ship.

WILLIAM DOWELL.

I pray send an answer by bearer.

Philadelphia, 5 o'clock, 2d of Oct. 1765.

No. III.

Mr. Dickenson,

I received your kind notice by Mr. Bradford, and for answer, am to inform you, that I have not received from the lords of the treasury, nor from any other person appointed by his Majesty, any commission or public information of my being the officer of the province of Pennsylvania, and

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therefore

therefore cannot pretend to any right to take charge of those papers, nor should I, were they now at the wharf; the governor is the officer of the crown, whose duty it is to preserve and secure those papers; to him I refer you for directions how to proceed in the premises, and I make no doubt but his honour the governor will take care to see that the papers are landed in a place of security, and there kept safe until some person properly commissioned shall appear to demand them. Signed by order of my father.

JOHN HUGHES, jun.

*To Mr. Dickenson. Copy of
a Letter sent by Mr.
Bradford's son.*

No. IV.

Sir,

I inclose you a letter I received last evening from Mr. William Dovel, by which I understand that the stamped papers are arrived at New-castle in the Charlotte, that the owner of the vessel does not care to order his ship into the port while these papers are on board, lest some violence should be done to her; and as I have not the least power from the lords of his Majesty's treasury, or any other public board, authorizing me to receive them, and as his Majesty's revenue is in concern-
concerned in their preservation, I thought it my duty to give you the information, that you might take such measures therein as your prudence should suggest. I am, Sir, yours,
To John Penn, Esq. JOHN HUGHES.

No. V.

A great number of the citizens of Philadelphia assembled at the state-house do demand of Mr. John Hughes, distributor of stamps for Pennsylvania, that he will give them assurance under his hand that he will not execute that office, and expect that he will give them a fair, candid, and direct answer by Monday next ten o'clock, when he will be waited on for that purpose.

Saturday, Oct. 5, 1765.

No. VI.

*Philadelphia, Monday Morning,
October 7, 1765.*

Whereas I was applied to on Saturday last, about three o'clock in the afternoon, by the following gentlemen, viz. James Tilghman, Esq. attorney at law, Messrs. Robert Morris, Charles Thompson, Archibald M'Calt, John Cox, and William Richards, merchants; Mr. William Bradford, Printer, who assured me they were sent by a great number of people then assembled at the state-house, in order to request me to resign the stamp-office; and after some conversation on the subject, Mr. Robert Morris, and some others, declared, that it was not expected or desired that my resignation should be any other than the not accepting the office, and declaring every step or measure that should tend to put the late stamp-act into execution, until his Majesty's further pleasure should be known, or until the act should be generally carried into execution in the neighbouring colonies; and if that should happen, I was then at liberty to do as I thought proper: and whereas about six o'clock the same evening, a paper was sent me by some of these same gentlemen, in behalf, as I understand, of all those collected at the state-house as afore-said, declaring, that a great number of the citizens of Philadelphia assembled at the state-house, do demand of Mr. John Hughes, distributor of stamps for Pennsylvania, that he will give them assurance under his hand that he will not execute that office, and expect that he will give them a fair, candid, and direct answer by Monday next at ten o'clock, where he will be waited on for that purpose.

Saturday, Oct. 5, 1765.

I do therefore return for answer to those gentlemen and all their associates, that I have not hitherto taken any step tending to put the late act of par-

parliament in execution in this province, and that I will not either by myself or my deputies, do any act or thing that shall have the least tendency to put the said act into execution in this province, until his Majesty's future pleasure shall be known, or until the said act shall be put in execution in the neighbouring colonies, and this I am determined to abide by, unless either the governor or commander in chief of this province for the time being shall call upon me to execute the said act.

And whereas my commission includes the three counties of Newcastle, Kent, and Suffex, upon Delaware, I do therefore hereby voluntarily inform the good people of those counties, that no act of mine shall either directly or indirectly involve them into any difficulties with respect to the said stamp-act, before the same shall take place in the neighbouring colonies, or until his Majesty's future pleasure shall be known, or until the governor and commander in chief for the time being of those counties shall call upon me as aforesaid, to execute the said act.

(Copy) JOHN HUGHES.

No. VII.

*Philadelphia, Monday Morning,
October 7, 1765.*

Whereas about six o'clock on Saturday evening last a paper was sent to me, expressing, that a great number of citizens of Philadelphia, &c. (this paper of resignation has been published verbatim.)

No. VIII.

*Philadelphia, Tuesday Morning,
October 8, 1765.*

Sir,

I make no doubt but you have heard that a great number of people were collected at the state-house on Saturday last, by causing muffled drums to beat through the streets of this city, and by ringing the state-house bell muffled, and by directing all enquirers to repair to the state-

house for information; and that after the people were collected, a deputation was sent to me demanding my resignation of the office of chief distributor of stamps for this province, I am well informed, that great numbers of the ringleaders and promoters of this meeting declared and vowed destruction to my person and property if I refused to gratify them in their demands.

My resignation is accordingly made, and I beg you will be so kind as to inform me where the stamps are deposited, that I may by this day's post inform the lords of the treasury what situation they are in. This you must know it is my duty to do, as the stamps were consigned to me by their lordships, and I have the bill of lading. But as I am confined to my bed, and also restrained by the people from executing my office, it is not in my power to know what is to be done in the premises, I therefore pray your answer by the bearer, my son, which will oblige, Sir, your humble servant,

JOHN HUGHES.

To the Hon. John Penn, Esq.

The Governor returned the following verbal Answer, viz.

Let Mr. Hughes know the stamps are on board the man of war.

*Philadelphia, Nov. 2, 1765,
Gentlemen,*

Since my last, a copy whereof is herewith sent, nothing very extraordinary has been attempted by the mob, as the great men here would fain have it termed and believed on your side the water, and I make no doubt but it will be so represented by the proprietary governor, and his friends; but the truth is, that if the governor, or any half dozen of the magistrates, had called the sheriff and constable to their assistance, it would have been very easy for them, with the assistance of my friends then collected about my house, to the amount of not less than seven or eight hundred men of reputation, who would

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have

have assisted the civil officers at the risque of their lives, as I did to suppress the Paxton riot, that intended to destroy the Indians at the barracks.

I am now informed the governor has taken the oath prescribed by the stamp-act, but his friends keep it a secret, and say, 'who knows that he has,' but it will soon appear here, for that will alter his conduct; the commissioners and government may depend that I will communicate things as they happen, though it is at the risque of my life; for the party, by their tools, frequently give out, that if they knew the man that would so far assist Britain as to inform against any man, in this or any other province, he should not live many hours; and I do assure the government and commissioners, that all positive charges made by me, can be proved by reputable witnesses. But whether his Majesty or his ministry can, or will wink at and overlook these insults and outrages, and permit their colonists to refuse obedience to an act of parliament, and also declare it illegal and unconstitutional, and also permit the printers here to publish weekly the most violent and inflammatory pieces that ever were wrote, and I am of opinion, that if these continental papers for the two or three months past were examined, many of them would be found rather to exceed the North Briton, (No. XLV.) in alienating the affections of the people from his Majesty, and animating them to rebellion, and yet at the same time call themselves Englishmen, and profess the highest degree of loyalty to his Majesty. I some time tell some of our warm blades, that it is a piece of inconsistency to call themselves Englishmen, because gentlemen, say I, if you are Englishmen, you must be bound by acts of parliament, until that parliament releases you from that obedience, which has not yet been done as I know of. To this they reply our charters have done it absolutely. No, gentlemen, your

charters are but the declarations of the kings that granted them, and they cannot be to mean no more, than that the king of Great Britain would not arbitrarily, and without law, raise money on the subject in America, and this all our forefathers seemed to have asked—when they left Britain, and indeed it is all the kings of Great Britain can legally promise, for the king cannot bar the rights of the lords and commons, any more than they can his prerogatives. The answer then is, you are an enemy to America, and ought to have your brains beat out, &c. And indeed there is nothing has saved me but the great number of friends and relations that I have in this country, and, had it not been for their numbers, I must have resigned my office absolutely, or else not only me but my family and fortune would have fallen a sacrifice. I believe I am the only stamp distributor that has not either resigned absolutely, or fled the province between Virginia and Halifax, and if the Virginia officer had been there, I think he must have resigned also, for there the fire began. It is my private opinion, that if the province of Pennsylvania was changed from proprietary to a royal government, and some person appointed to govern it, that had both interest among the people, and a perfect knowledge of them, so as to be able to displace the disloyal, and put in power and commission such only as could be depended on, and have demonstrated their loyalty to their king; such a person, after the changes aforesaid, might easily govern this province, and preserve the peace of it, and keep it in subjection to his Majesty, which I think we hardly are at this time. One reason assigned for not paying obedience to this act of parliament, is, that we have no representative in parliament; I then say, let us petition for representatives. O, no, we will not agree to that, because we have representatives of our own, and have always given money when

when we have been called on by the king or his ministers, and if that will not do, let us have a house of Commons in America, to settle what shall be the quota of each colony when money is wanted—No, gentlemen, you have foreclosed yourselves of that, for you have demonstrated your propensity to rebellion, to that degree, that in my opinion the ministry never can advise his Majesty to unite you more than you now are; but if they knew our circumstances rightly, they would divide us yet more, by forming new colonies out of Virginia, and perhaps some others that are already but too large; but these things are at a distance, for Great Britain must first determine whether she is to govern or not, and whether she will permit us to put ourselves under the protection of France, or Spain, as many upon the continent declare they will ward off the stamp-act, until they can get France or Spain to protect them; and some few have gone so far in this province. I must now contradict your allegation of our giving money when called upon. Pray has Maryland given one shilling all the last war, and did not most of the colonies, except Pennsylvania, refuse both men and money for Colonel Bouquet's last expedition against the Indians to the westward; and when Col. Bouquet, by his friends, got some volunteers raised for the purpose in Virginia, was he not obliged to apply to the commissioners of this province to pay them, or else he must have paid them out of his private fortune; although the war was on the Virginia frontier, and their people frequently murdered at that time.

November the 3d, being Saturday evening, I was called upon by the collector, to let me know that he and the other custom-house officers would call upon me next day, but they afterwards changed their plan; and on

Tuesday the 5th, I received the

paper, (No. I.) and that afternoon returned for answer the paper (No. II.) and I now understand that the party are much dissatisfied with my answer, and say I had no need to say more than three words; viz. I have none — This they could have protested upon and sent home to the custom-house, but I believe they have no great inclination to send home this letter; however, I think it my duty to send it you with a copy of theirs; also I wish I knew whether the act would be enforced or not, for if it is to be repealed, I might resign voluntarily in time, and thereby escape the violence of the party, for if the act is not enforced, nor I do not resign in time, I shall not be able to go into some of the neighbouring colonies, and look after my interest during my life-time, for they threaten me already in Maryland and Virginia, that if they ever catch me there they will make a sacrifice of me; but if they should be made subject to Great Britain, I shall then be in no danger, for the issue of this act will absolutely determine Britain's sovereignty in America. For, if by these rebellious actions we can get this act repealed, I have no doubt but some of my children may live to see a duty laid by Americans on some things imported from Britain, for I do not know an instance of a mob's sitting down contented with one thing, unless they have a force able to quell them.

I presume when the remonstrances from the grand committee (who meet at New-York) come here, it will be easy to judge what we would be at; for even in this province, some few say, if we stick by one another, it is not in the power of Britain to enforce it, and say that Ireland did the same formerly, and by that means have escaped the burthen as they call it. I am unable at this time to give a more full account of the proceedings in America, being not recovered from

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my late illness. I am, gentlemen,
with respect, your most obedient,
humble servant,

Nov. 7, 1765, JOHN HUGHES.
*To the commissioners of
the stamp-office.*

No. I.

Mr. John Hughes,

Sir, We have heard from public report, that you are the officer appointed to distribute stamp-papers and parchment in the province, pursuant to an act of parliament lately published in England, and we now apply to you, to know whether you can supply us with stamp papers proper for cockets and clearances, on which the duty of four-pence sterling is imposed (if the copy we have seen of the act be genuine). We apprehend it is our duty to apply to you for them, as we cannot proceed regularly in the business of our office without them. Please to let us have your answer in writing as soon as possible, in order to prevent any mistake or misunderstanding that may happen from a verbal conference between us. We beg you will be pleased to have a direct answer, whether you will or not let us have the stamp papers for the purposes above-mentioned. We are, Sir, your most humble servants,
*Custom-House, J. SWIFT, Dep. Collr.
Philadelphia, A. BARCLAY, Compt.
Nov. 4, 1764. T. Grame, Naval Offr.*

No. II.

Gentlemen,

I received yours of the 4th instant, and cannot but infer from the contents, that you are a stranger in Pennsylvania, since by the tenor of your letter, you seem to be unacquainted with the things that are come to pass in these our days. Therefore, I think it necessary, before I proceed in answer, to give you a brief detail of what has happened. First then, I am to inform you, that on Saturday the 5th of October last, the State-house and Christ-church bells were rung muffled, and two

Negro-drummers, one of whom belonged to alderman Samuel Mifflin, beat through all parts of the city with muffled drums, thereby alarming the inhabitants. In consequence whereof, a large number of people was raised and assembled at the State-house, where it was publicly declared (as I am informed), that if I did not immediately resign my office, my house should be pulled down and my substance destroyed, but before the convention broke up, the gentlemen assembled there, in part changed their resolution, and by a note they at night sent me, indulged me till ten o'clock the Monday morning following, to satisfy them whether I would or not resign my office as stamp-distributor for this province. Secondly, although it was currently reported through the city on the 4th of October last, that Capt. Halland, with the stamp papers, &c. would be up next day, and that a mob would be raised to destroy them, yet neither the governor, the supreme judges, the mayor, recorder, aldermen, nor any other judiciary officers, (Benjamin Shoemaker, Esq. excepted) took the least notice thereof, nor used any means to preserve the peace of the city. Thirdly, although on Monday the 7th of October, when the people collected at the Free Masons lodge, and their delegates, who need not here be named, came to my house and demanded of me my answer, whether I would or would not resign my office as stamp-distributor of this province, yet neither the governor, the judges of the supreme court, although then sitting, the mayor, recorder, aldermen, nor any of the peace-officers of this city, testified the least disapprobation thereof, but permitted those gentlemen and their associates, to compel me to make the declaration which you may see printed in the Gazette and Pennsylvania Journal of the 10th of October last. Fourthly, these gentlemen delegates and their associates have therefore

therefore prevented any stamp from coming into my possession. Of consequence, it is not in my power to supply you. But as you may be unacquainted with the situation of the stamp papers, I do myself the pleasure of informing you, that his honour the governor, has committed them to the care of Capt. Hawker, commander of his Majesty's ship *Sardine*. And I would likewise, gentlemen, beg leave to acquaint you, that he has taken, as I am informed, a solemn oath, "to do to his utmost, that all and every of the clauses contained in the stamp-act shall be *bona fide* observed;" wherefore I must refer you to him, as I am for the reasons already assigned, at present incapacitated to supply you with stamp papers, &c. for a more full answer, if necessary, to your letter. Fifthly, if any inconveniencies or damages, therefore, should happen to any person or persons for want of the stamp papers, the blame neither can nor does lie at my door, whatever it may of those of the gentlemen delegates and their associates. I am sorry, gentlemen, that you suffered an insinuation to escape your pen, as if I would not afford you a direct answer to your letter, for I am persuaded no part of my conduct has given you or any other person cause to suspect either my candor or integrity, therefore, permit me to say, I must look upon this insinuation both ungenerous and unfriendly. I am, Sirs, your humble servant,

Philadelphia, Nov. J. HUGHES.

5, 1765.

*John Swift, Alex. Barclay, and
Thomas Grame, Esquires.*

Philadelphia, Sept. 1765.

Extract of Letters from John Hughes, Esq. appointed Distributor of the Stamps for Pennsylvania, to Benjamin Franklin, Esq. Agent for said Province, by him, per Order, laid before the Parliament.

"You are now from letter to letter to suppose each may be the last that you will receive from your old friend, as the spirit or flame of rebellion is got to a high pitch among the North Americans, and it seems to me, that a sort of frenzy, or madness, has got such hold of the people of all ranks, that I fancy some lives will be lost before this fire is put out; I am at present much perplexed what course to steer; for, as I have given you reason to expect, I would endeavour to put the act in execution, and you no doubt have informed the commissioners I cannot in point of honor go back, until something or other is done by the people to render it impossible for me to proceed; but, perhaps when a mob is on foot, my interest may fall a sacrifice to an infatuated multitude, and I know of no other way to prevent it, but absolutely declaring off as all the rest have done to the eastward, but as yet I cannot prevail upon myself, notwithstanding the threats of some, and the persuasions of others, to do an act that appears to me neither loyal nor reputable.

"I had hitherto kept matters easy, by saying I had nothing to resign, for I have neither received any commission or any other kind of writing from the stamp-office; but when it is known I have received my commission, I fancy I shall not escape the storm of presbyterian rage, and as Capt. Friend is expected every day, my doom will soon be known, but whether I may live to inform you, is yet in the womb of futurity.

"By Governor Franklin's letters, and by my last, you will see that Mr. Cox has resigned the stamp-office for New-Jersey, and there is scarce a day goes over my head, but many people call on me to resign, and say I am an enemy to North-America if I do not; but since I am now and must abide by consequences, be they what they will, I shall be exceedingly obliged to you, if it is consistent with your

your judgment, to recommend my son Hugh for Mr. Cox's successor. My son is married, and settled in New Jersey, has a good estate, both real and personal, and can give any security that may be required—I am the more induced to ask this favour, as I think there will be no difficulty in putting the act in execution in that province; and, if my property, and perhaps my life may be lost in this province, my son I hope will be the better for the office in that province, which may be some compensation for what property may be lost out of the family.

Sept. 10, 1765.

“ Our assembly met yesterday, and this day a majority of fifteen against fourteen, were for sending a committee to New-York, to meet the committee of Boston on the first of October, where they insinuate there will be men sent from every colony, in order to unite and become, as they express it, like a bundle of rods, alluding to the fable of the old man and his sons. This scheme, or plan of union, is not only begun, but indefatigably pushed forward, by the presbyterians principally.

Sept. 11. This afternoon Capt. Friend arrived, and as he says he has no stamp papers on board, all seems pretty quiet at present. The assembly have named Joseph Fox, Geo. Bryan, John Morton and John Dickinson, as a committee to go to the Congress at New-York.

Sept. 12. Our clamours run very high, and I am told my house shall be pulled down and the stamps burnt, to which I give no other answer than that I will defend my house at the risk of my life. I must say that all the sensible quakers behave prudently.

Sept. 16. in the evening—Common report threatens my house this night; as there are bonfires and rejoicings for the change of ministry. The sober and sensible part of the people are doing every thing in readiness to sup-

press a mob, if there should be any intention of rising. I, for my part, am well armed with fire-arms, and am determined to stand a siege. If I live till to-morrow morning, shall give you a further account, but as it is now about eight o'clock I am on my guard; and only write this between whiles, as every noise or bustle of the people calls me off.

Nine o'clock. Several friends that patrol between my house and the coffee-house, came in just now, and say the collection of rabble begins to decrease visibly in the streets, and the appearance of danger seems a good deal less than it did.

Twelve o'clock. There are now several hundreds of our friends about the street ready to suppress any mob, if it should attempt to rise, and the rabble are dispersing.

Sept. 17. five in the morning—We are all yet in the land of the living, and our properties safe, thank God.

*Extract of a Letter from Joseph Gal-
loway, Esq. dated Philadelphia, Sep-
tember 29, 1765, to Benjamin Frank-
lin, Esq.*

“ The public papers will inform you of the present distracted state of the colonies, and the many outrages and riots that have been occasioned by a dislike to the stamp-act, all which have been incited by the principal members of the colonies where they have been committed—Measures have not been wanting to create the same temper in the people here, in which some have been very active. In hopes to prevent their ill effects, I wrote a moderate piece, signed *Americanus*, published here and at New-York, and since in Virginia, wherein you will see my sentiments on the subject. I am told it had good effect in those places as well as here, being much approved by the moderate part of the people; yet we should not have been free from riots here, if another method had not been taken to prevent them,

viz. By

By assembling quietly at the instance of Mr. Hughes's friends (and not by order from the government of the city), near eight hundred sober inhabitants were posted in different parts, ready to prevent any mischief that should be attempted by the mob, which effectually intimidated them and kept all tolerable quiet, only they burnt a figure that they called a stamp-man, and about midnight dispersed. Great pains have been taken to persuade and frighten Mr. Hughes into a resignation of his office, but he continues firm, and will not resign in any manner that shall do dishonour to his appointment, and I think will be able to put his commission into execution, notwithstanding the example set by other colonies.

The King having, in his speech, recommended to the consideration of parliament the affairs of America, a debate naturally followed on the address.

The new ministers spoke tenderly of the disturbances and confusions in America. The late ministers (at this time in opposition) were quite the reverse.

Earl Nugent (then Mr. Nugent) insisted, 'That the honour and dignity of the kingdom, obliged us to compel the execution of the stamp-act, except the right was acknowledged, and the repeal solicited as a favour. He computed the expence of the troops now employed in America for their defence, as he called it, to amount to nine-pence in the pound of our land tax; while the produce of the stamp-act would not raise a shilling a head on the inhabitants of America; but that a pepper-corn, in acknowledgment of the right, was of more value, than millions without. He expatiated on the extreme ingratitude of the colonies; and concluded, with charging the ministry with encouraging petitions to parliament, and instructions to members from trading

and manufacturing towns, against the act.'

Mr. Pitt (now Lord Chatham) spoke next. As he always begins very low, and as every body was in agitation at his first rising, his introduction was not heard, 'till he said, 'I came to town but to-day; I was a stranger to the tenor of his Majesty's speech, and the proposed address, 'till I heard them read in this house. Unconnected and unconsulted, I have not the means of information; I am fearful of offending through mistake, and therefore beg to be indulged with a second reading of the proposed address.' The address being read, Mr. Pitt went on:—He commended the King's speech, approved of the address in answer, as it decided nothing, every gentleman being left at perfect liberty to take such a part concerning America, as he might afterwards see fit. One word only he could not approve of, an *early*, is a word that does not belong to the notice the ministry has given to parliament of the troubles in America. In a matter of such importance, the communication ought to have been immediate: I speak not with respect to parties; I stand up in this place single and unconnected. As to the late ministry, (turning himself to Mr. Grenville, who sat within one of him) every capital measure they have taken, has been entirely wrong!

'As to the present gentlemen, to those at least whom I have in my eye (looking at the bench where Mr. Conway sat, with the lords of the treasury) I have no objection; I have never been made a sacrifice by any of them. Their characters are fair; and I am always glad when men of fair character engage in his Majesty's service. Some of them have done me the honour to ask my poor opinion, before they would engage. These will do me the justice to own, I advised them to engage; but notwithstanding—I love to be explicit—I cannot give them

them my confidence; pardon me, gentlemen, (bowing to the ministry) confidence is a plant of slow growth in an aged bosom: youth is the season of credulity; by comparing events with each other, reasoning from effects to causes, methinks, I plainly discover the traces of an over-ruling influence.

‘There is a clause in the act of settlement, to oblige every minister to sign his name to the advice which he gives his sovereign. Would it were observed!—I have had the honour to serve the crown, and if I could have submitted to influence, I might have still continued to serve; but I would not be responsible for others.—I have no local attachments: it is indifferent to me, whether a man was rocked in his cradle on this side or that side of the Tweed.—I sought for merit wherever it was to be found.—It is my boast, that I was the first minister who looked for it, and I found it in the mountains of the north. I called it forth, and drew it into your service, an hardy and intrepid race of men! men, who, when left by your jealousy, became a prey to the artifices of your enemies, and had gone nigh to have overturned the state, in the war before the last. These men, in the last war, were brought to combat on your side: they served with fidelity, as they fought with valour, and conquered for you in every part of the world: detested by the national reflections against them!—they are unjust, groundless, illiberal, unmanly. When I ceased to serve his Majesty as a minister, it was not the country of the man by which I was moved—but the man of that country wanted wisdom, and held principles incompatible with freedom.

‘It is a long time, Mr. Speaker, since I have attended in parliament. When the resolution was taken in the house to tax America, I was ill in bed. If I could have endured to have

been carried in my bed, so great was the agitation of my mind for the consequences! I would have solicited some kind hand, to have laid me down on this floor, to have borne my testimony against it. It is now an act that had passed—I would speak with decency of every act of this house, but I must beg the indulgence of the house to speak of it with freedom.

‘I hope a day may be soon appointed to consider the state of the nation with respect to America.—I hope, gentlemen will come to this debate with all the temper and impartiality his majesty recommends, and the importance of the subject requires. A subject of greater importance than ever engaged the attention of this house! that subject only excepted, when, near a century ago, it was the question, whether you yourselves were to be bound, or free. In the mean time, as I cannot depend upon health for any future day, such is the nature of my infirmities, I will beg to say a few words at present, leaving the justice, the equity, the policy, the expediency of the act, to another time. I will only speak to one point, a point which seems not to have been generally understood—I mean to the right. Some gentlemen (alluding to Mr. Nugent) seem to have considered it as a point of honor. If gentlemen consider it in that light, they leave all measures of right and wrong, to follow a delusion that may lead to destruction. It is my opinion that this kingdom has no right to lay a tax upon the colonies. At the same time, I assert the authority of this kingdom over the colonies, to be sovereign and supreme, in every circumstance of government and legislation whatsoever.—They are the subjects of this kingdom, equally entitled with yourselves to all the natural rights of mankind and the peculiar privileges of Englishmen. Equally bound by its laws, and equally participating of the constitution of this

this free country. The Americans are the sons, not the bastards, of England. Taxation is no part of the governing or legislative power.—The taxes are a voluntary gift and grant of the commons alone. In legislation the three estates of the realm are alike concerned, but the concurrence of the peers and the crown to a tax, is only necessary to close with the form of a law. The gift and grant is of the commons alone. In ancient days, the crown, the barons, and the clergy possessed the lands. In those days, the barons and the clergy gave and granted to the crown. They gave and granted what was their own. At present, since the discovery of America, and other circumstances permitting, the commons are become the proprietors of the land. The crown has divested itself of its great estates. The church (God bless it) has but a pittance. The property of the lords, compared with that of the commons, is as a drop of water in the ocean: and this house represents those commons, the proprietors of the lands; and those proprietors virtually represent the rest of the inhabitants. When, therefore, in this house we give and grant, we give and grant what is our own. But in an American tax, what do we do? We, your Majesty's commons of Great Britain, give and grant to your Majesty, what? Our own property?—No. We give and grant to your Majesty, the property of your Majesty's commons of America.—It is an absurdity in terms.—

‘The distinction between legislation and taxation is essentially necessary to liberty. The crown, the peers, are equally legislative powers with the commons. If taxation be a part of simple legislation, the crown, the peers have rights in taxation as well as yourselves: rights which they will claim, which they will exercise, whenever the principle can be supported by power.

‘There is an idea in some, that the colonies are virtually represented in this house. I would fain know by whom an American is represented here? Is he represented by any knight of the shire, in any county in this kingdom? Would to God that respectable representations was augmented to a greater number! Or will you tell him that he is represented by any representative of a borough—a borough, which perhaps no man ever saw—This is what is called, the rotten part of the constitution.—It cannot continue the century.—If it does not drop, it must be amputated.—The idea of a virtual representation of America in this house, is the most contemptible idea that ever entered into the head of a man.—It does not deserve a serious refutation.

‘The commons of America, represented in their several assemblies, have ever been in possession of the exercise of this, their constitutional right, of giving and granting their own money. They would have been slaves if they had not enjoyed it. At the same time, this kingdom, as the supreme governing and legislative power, has always bound the colonies by her laws, by her regulations, and restrictions in trade, in navigation, in manufactures—in every thing, except that of taking their money out of their pockets without their consent.—Here I would draw the line, *Quam ultra citraque nequit consistere rectum.*’

He concluded with a familiar voice and tone, but so low that it was not easy to distinguish what he said. A considerable pause ensued after Mr. Pitt had done speaking:

Mr. Conway at length got up. He said, ‘he had been waiting to see whether any answer would be given to what had been advanced by the right honourable gentleman, reserving himself for the reply: but as none had been given, he had only to declare, that his own sentiments were entirely conformable to those of the right honourable

honourable gentleman.—That they are so conformable, he said, is a circumstance that affects me with most sensible pleasure, and does me the greatest honour. But two things fell from that gentleman which give me pain, as whatever falls from that gentleman, falls from so great a height as to make a deep impression. I must endeavour to remove it. It was objected, that the notice given to parliament of the troubles in America was not early. I can assure the house, the first accounts were too vague and imperfect to be worth the notice of parliament. It is only of late that they have been precise and full. An over-ruling influence has also been hinted at. I see nothing of it. I feel nothing of it. I disclaim it for myself, and (as far as my discernment can reach) for all the rest of his Majesty's ministers.'

Mr. Pitt said, in answer to Mr. Conway, 'The excuse is a valid one, if it is a just one. That must appear from the papers now before the house.' Mr. Grenville next stood up. He began with censuring the ministry very severely, for delaying to give earlier notice to parliament of the disturbances in America. He said, 'They began in July, and now we are in the middle of January; lately they were only occurrences, they are now grown to disturbances, to tumults and riots. I doubt they border on open rebellion; and if the doctrine I have heard this day be confirmed, I fear they will lose that name to take that of revolution. The government over them being dissolved, a revolution will take place in America. I cannot understand the difference between external and internal taxes. They are the same in effect, and only differ in name. That this kingdom has the sovereign, the supreme legislative power over America, is granted. It cannot be denied; and taxation is a part of that sovereign power. It is one branch

of the legislation. It is, it has been exercised, over those who are not, who were never represented. It is exercised over the India company, the merchants of London, the proprietors of the stocks, and over many great manufacturing towns. It was exercised over the palatinate of Chester, and the bishoprick of Durham, before they sent any representatives to parliament. I appeal for proof to the preambles of the acts which gave them representatives: the one in the reign of Henry VIII. the other in that of Charles II.' Mr. Grenville then quoted the acts, and desired that they might be read; which being done, he said: 'When I proposed to tax America, I asked the house, if any gentleman would object to the right; I repeatedly asked it, and no man would attempt to deny it. Protection and obedience are reciprocal. Great-Britain protects America; America is bound to yield obedience. If not, tell me where the Americans were emancipated? When they want the protection of this kingdom, they, are always very ready to ask it. That protection has always been afforded them in the most full and ample manner. The nation has run itself into an immense debt to give them their protection; and now they are called upon to contribute a small share towards the public expence, an expence arising from themselves, they renounce your authority, insult your officers, and break out, I might almost say, into open rebellion. The seditious spirit of the colonies owes its birth to the factions in the house. Gentlemen are careless of the consequences of what they say, provided it answers the purposes of opposition. We were told we stood on tender ground; we were bid to expect disobedience. What was this, but telling the Americans to stand out against the law, to encourage their obstinacy with the expectation of support from hence? Let us only hold out a little, they would

would say, our friends will soon be in power. Ungrateful people of America! Bounties have been extended to them. When I had the honour of serving the crown, while you yourselves were loaded with an enormous debt, you have given bounties on their lumber, on their iron, their hemp, and many other articles. You have relaxed, in their favour, the act of navigation, that palladium of the British commerce; and yet I have been abused in all the public papers as an enemy to the trade of America. I have been particularly charged with giving orders and instructions to prevent the Spanish trade, and thereby stopping the channel, by which alone North-America used to be supplied with cash for remittances to this country. I defy any man to produce any such orders or instructions. I discouraged no trade but what was illicit, what was prohibited by act of parliament. I desire a West-India merchant, well known in the city (Mr. Long) a gentleman of character, may be examined. He will tell you, that I offered to do every thing in my power to advance the trade of America. I was above giving an answer to anonymous calumnies; but in this place, it becomes one to wipe off the aspersion.'

Here Mr. Grenville ceased. Several members got up to speak, but Mr. Pitt seeming to rise, the house was so clamorous for Mr. Pitt, Mr. Pitt, that the speaker was obliged to call to order. After obtaining a little quiet, he said, 'Mr. Pitt was up;' who began with informing the house, 'That he did not mean to have gone any further upon the subject that day; that he had only designed to have thrown out a few hints, which, gentlemen who were so confident of the right of this kingdom to send taxes to America, might consider; might, perhaps, reflect, in a cooler moment, that the right was at least equivocal. But since the

gentleman, who spoke last, had not stopped on that ground, but had gone into the whole; into the justice, the equity, the policy, the expediency of the stamp-act, as well as into the right, he would follow him through the whole field, and combat his arguments on every point.'

He was going on, when the late Lord Strange got up, and called both the gentlemen, Mr. Pitt, and Mr. Grenville, to order. He said, 'they had both departed from the matter before the house, which was the King's speech; and that Mr. Pitt was going to speak twice on the same debate, although the house was not in a committee.'

Mr. Onslow (now Lord Onslow) answered, 'That they were both in order, as nothing had been said, but what was fairly deducible from the King's speech;' and appealed to the Speaker. The Speaker decided in Mr. Onslow's favour.

Mr. Pitt said, 'I do not apprehend I am speaking twice: I did expressly reserve a part of my subject, in order to save the time of this house, but I am compelled to proceed in it. I do not speak twice; I only finished what I designedly left imperfect. But if the house is of a different opinion, far be it from me to indulge a wish of transgression, against order. I am content, if it be your pleasure, to be silent.'—Here he paused.—The house resounding with, Go on, go on; he proceeded:

'Gentlemen, Sir, (to the Speaker) I have been charged with giving birth to sedition in America. They have spoken their sentiments with freedom, against this unhappy act, and that freedom has become their crime. Sorry I am to hear the liberty of speech in this house, imputed as a crime. But the imputation shall not discourage me. It is a liberty I mean to exercise. No gentleman ought to be afraid to exercise it. It is a liberty by which the gentleman

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who calumniates it might have profited. He ought to have profited. He ought to have desisted from his project. The gentleman tells us, America is obstinate; America is almost in open rebellion. I rejoice that America has resisted. Three millions of people, so dead to all the feelings of liberty, as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest. I come not here armed at all points, with law cases and acts of parliament, with the statute book doubled down in dogs-ears, to defend the cause of liberty: if I had, I myself would have cited the two cases of *Chester* and *Durham*. I would have cited them, to have shewn, that, even under any arbitrary reigns, parliaments were ashamed of taxing a people without their consent, and allowed them representatives. Why did the gentleman confine himself to *Chester* and *Durham*? He might have taken a higher example in *Wales*; *Wales*, that never was taxed by parliament till it was incorporated. I would not debate a particular point of law with the gentleman: I know his abilities. I have been obliged to his diligent researches. But, for the defence of liberty upon a general principle, upon a constitutional principle, it is a ground on which I stand firm; on which I dare meet any man. The gentleman tells us of many who are taxed, and are not represented. The *India* company, merchants, stock-holders, manufacturers. Surely many of these are represented in other capacities, as owners of land, or as freemen of boroughs. It is a misfortune that more are not actually represented. But they are all inhabitants, and, as such, are virtually represented. Many have it in their option to be actually represented. They have connections with those that elect, and they have influence over them. The gentleman mentioned the stock-holders: I hope he

does not reckon the debts of the nation as a part of the national estate. Since the accession of *King William*, many ministers, some of great, others of more moderate abilities, have taken the lead of government.'

He then went through the list of them, bringing it down till he came to himself, giving a short sketch of the characters of each of them. 'None of these, he said, thought, or ever dreamed, of robbing the colonies of their constitutional rights. That was reserved to mark the era of the late administration: not that there were wanting some, when I had the honour to serve his Majesty, to propose to me to burn my fingers with an American stamp act. With the enemy at their back, with our bayonets at their breasts, in the day of their distress, perhaps the Americans would have submitted to the imposition; but it would have been taking an ungenerous, and unjust advantage. The gentleman, boasts of his bounties to America! Are not those bounties intended finally for the benefit of this kingdom? If they are not, he has misapplied the national treasures. I am no courtier of America, I stand up for this kingdom. I maintain, that the parliament has a right to bind, to restrain America. Our legislative power over the colonies is sovereign and supreme. When it ceases to be sovereign and supreme, I would advise every gentleman to sell his lands, if he can, and embark for that country. When two countries are connected together, like *England* and her colonies, without being incorporated, the one must necessarily govern; the greater must rule the less; but so rule it, as not to contradict the fundamental principles that are common to both.

If the gentleman does not understand the difference between internal and external taxes, I cannot help it; but there is a plain distinction between taxes levied for the purposes of raising

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a revenue, and duties imposed for the regulation of trade, for the accommodation of the subject; altho', in the consequences, some revenue might incidentally arise from the latter.

The gentleman asks, when were the colonies emancipated? But I desire to know, when they were made slaves? But I dwell not upon words. When I had the honour of serving his Majesty, I availed myself of the means of information, which I derived from my office: I speak therefore from knowledge. My materials were good. I was at pains to collect, to digest, to consider them; and I will be bold to affirm, that the profits to Great-Britain from the trade of the colonies, through all its branches, is two millions a year. This is the fund that carried you triumphantly through the last war. The estates that were rented at two thousand pounds a year, threescore years ago, are at three thousand pounds at present. Those estates sold then from fifteen to eighteen years purchase; the same may be now sold for thirty. You owe this to America. This is the price that America pays you for her protection. And shall a miserable financier come with a boast, that he can fetch a pepper-corn into the Exchequer, to the loss of millions to the nation! I dare not say, how much higher these profits may be augmented. Omitting the immense increase of people, by natural population, in the northern colonies, and the migration from every part of Europe, I am convinced the whole commercial system of America may be altered to advantage. You have prohibited, where you ought to have encouraged; and you have encouraged where you ought to have prohibited. Improper restraints have been laid on the continent, in favour of the islands. You have but two nations to trade with in America. Would you had twenty! Let acts of parliament in consequence

of treaties remain, but let not an English minister become a custom-house officer for Spain, or for any foreign power. Much is wrong, much may be amended for the general good of the whole.

Does the gentleman complain he has been misrepresented in the public prints? It is a common misfortune. In the Spanish affair of the last war, I was abused in all the news-papers, for having advised his Majesty to violate the law of nations with regard to Spain. The abuse was industriously circulated even in hand-bills. If administration did not propagate the abuse, administration never contradicted it. I will not say what advice I did give to the King. My advice is in writing, signed by myself, in the possession of the crown. But I will say, what advice I did not give to the King: I did not advise him to violate any of the laws of nations.

As to the report of the gentleman's preventing in some way the trade for bullion with the Spaniards, it was spoken of so confidently, that I own I am one of those who did believe it to be true.

The gentleman must not wonder he was not contradicted, when, as the minister, he asserted the right of parliament to tax America. I know not how it is, but there is a modesty in this house which does not chuse to contradict a minister. I wish gentlemen would get the better of this modesty. If they do not, perhaps, the collective body may begin to abate of its respect for the representative. Lord Bacon had told me, that a great question would not fail of being agitated at one time or another. I was willing to agitate that at the proper season, the German war: my German war, they called it. Every session I called out, has any body any objections to the German war? No body would object to it, one gentleman only excepted, since removed to the upper house, by succession to an ancient

ancient barony,' (meaning Lord le Desp'cher, formerly Sir Francis Dashwood;) he told me, "he did not like a German war." I honoured the man for it, and was sorry when he was turned out of his post.

'A great deal has been said without doors, of the power, of the strength of America. It is a topic that ought to be cautiously meddled with. In a good cause, on a sound bottom, the force of this country can crush America to atoms. I know the valour of your troops. I know the skill of your officers. There is not a company of foot that has served in America, out of which you may not pick a man of sufficient knowledge and experience, to make a governor of a colony there. But on this ground, on the stamp-act, when so many here will think it a crying injustice, I am one who will lift up my hands against it.

'In such a cause, your success would be hazardous.—America, if she fell, would fall like the strong man. She would embrace the pillars of the state, and pull down the constitution along with her. Is this your boasted peace? Not to sheath the sword in its scabbard, but to sheath it in the bowels of your countrymen? Will you quarrel with yourselves, now the whole house of Bourbon is united against you? While France disturbs your fisheries in Newfoundland, embarrasses your slave trade to Africa, and withholds from your subjects in Canada, their property stipulated by treaty; while the ransom for Manillas is denied by Spain, and its gallant conqueror basely traduced into a mean plunderer, a gentleman, (Sir W. Draper) whose noble and generous spirit would do honour to the proudest grandee of the country. The Americans have not acted in all things with prudence and temper. They have been wronged. They have been driven to madness by injustice. Will you punish them for the madness you have occasioned? Rather let prudence and temper come first from this side.

I will undertake for America, that she will follow the example. There are two lines in a ballad of Prior's, of a man's behaviour to his wife, so applicable to you and your colonies, that I cannot help repeating them:

'Be to her faults a little blind:

'Be to her virtues very kind:

'Upon the whole, I will beg leave to tell the house what is really my opinion. It is, that the stamp-act be repealed absolutely, totally, and immediately. That the reason for the repeal be assigned, because it was founded on an erroneous principle. At the same time, let the sovereign authority of this country over the colonies, be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatsoever. That we may bind their trade, confine their manufactures, and exercise every power whatsoever, except that of taking their money out of their pockets without their consent!'

This debate determined the repeal of the stamp-act. At the same time a bill was brought in, and passed, for securing the dependence of America on Great Britain, in which it was asserted, "That the Parliament of Great Britain had a right to bind the Colonies in all cases whatsoever."

When the bill to repeal the stamp-act, was before the committee of the house of commons, Dr. Benjamin Franklin was examined at the bar of the house, on the affairs of America. The following is a copy of the examination.

Q. What is your name, and place of abode?

A. Franklin, of Philadelphia.

Q. Do the Americans pay any considerable taxes among themselves?

A. Certainly many, and very heavy taxes.

Q. What are the present taxes in Pennsylvania, laid by the laws of the colony?

A. There

A. There are taxes on all estates real and personal, a poll-tax, a tax on all offices, professions, trades and businesses, according to their profits; an excise on all wine, rum, and other spirits; and a duty of ten pounds per head on all Negroes imported, with some other duties.

Q. For what purposes are those taxes laid?

A. For the support of the civil and military establishments of the country, and to discharge the heavy debt contracted in the last war.

Q. How long are those taxes to continue?

A. Those for discharging the debt are to continue till 1772, and longer, if the debt should not be then all discharged. The others must always continue.

Q. Was it not expected that the debt would have been sooner discharged?

A. It was, when the peace was made with France and Spain—But a fresh war breaking out with the Indians, a fresh load of debt was incurred, and the taxes, of course, continued longer by a new law.

Q. Are not all the people very able to pay those taxes?

A. No. The frontier counties, all along the continent, have been frequently ravaged by the enemy, and greatly impoverished, are able to pay very little tax. And therefore, in consideration of their distresses, our late tax laws do expressly favour those counties, excusing the sufferers; and I suppose the same is done in other government.

Q. Are not you concerned in the management of the post-office in America?

A. Yes. I am deputy post-master general of North-America.

Q. Don't you think the distribution of stamps, by post, to all the inhabitants, very practicable, if there was no opposition?

A. The posts only go along the

sea-coasts; they do not, except in a few instances, go back into the country; and if they did, sending for stamps by post would occasion an expence of postage, amounting, in many cases, to much more than that of the stamps themselves.

Q. Are you acquainted with Newfoundland?

A. I never was there.

Q. Do you know whether there are any post-roads on that island?

A. I have heard that there are no roads at all; but that the communication between one settlement and another is by sea only.

Q. Can you disperse the stamps by post in Canada?

A. There is only a post between Montreal and Quebec. The inhabitants live so scattered and remote from each other, in that vast country, that posts cannot be supported among them, and therefore they cannot get stamps per post. The English colonies too, along the frontiers, are very thinly settled.

Q. From the thinness of the back settlements, would not the stamp-act be extremely inconvenient to the inhabitants, if executed?

A. To be sure it would; as many of the inhabitants could not get stamps when they had occasion for them, without taking long journeys, and spending perhaps three or four pounds, that the crown might get six-pence.

Q. Are not the colonies, from their circumstances, very able to pay the stamp duty.

A. In my opinion, there is not gold and silver enough in the colonies to pay the stamp duty for one year.

Q. Don't you know that the money arising from the stamps was all to be laid out in America?

A. I know it is appropriated by the act to the American service; but it will be spent in the conquered colonies, where the soldiers are, not in the colonies, that pay it.

Q. Is there not a balance of trade due

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due from the colonies where the troops are posted, that will bring back the money to the old colonies?

A. I think not. I believe very little would come back. I know of no trade likely to bring it back. I think it would come from the colonies where it was spent directly to England; for I have always observed, that in every colony the more plenty the means of remittance to England, the more goods are sent for, and the more trade with England carried on.

Q. What number of white inhabitants do you think there are in Pennsylvania?

A. I suppose there may be about 160,000.

Q. What number of them are Quakers?

A. Perhaps a third.

Q. What number of Germans?

A. Perhaps another third; but I cannot speak with certainty.

Q. Have any number of the Germans seen service, as soldiers, in Europe?

A. Yes,—many of them, both in Europe and America.

Q. Are they as much dissatisfied with the stamp-duty as the English?

A. Yes, and more; and with reason, as their stamps are, in many cases, to be double.

Q. How many white men do you suppose there are in North-America?

A. About 300,000, from sixteen to sixty years of age.

Q. What may be the amount of one year's imports into Pennsylvania from Britain?

A. I have been informed that our merchants compute the imports from Britain to be above 500,000 pounds.

Q. What may be the amount of the produce of your province exported to Britain?

A. It must be small, as we produce little that is wanted in Britain. I suppose it cannot exceed 40,000 pounds.

Q. How then do you pay the balance?

A. The balance is paid by our produce carried to the West-Indies, and sold in our own islands, or to the French, Spaniards, Danes and Dutch; by the same carried to other colonies in North-America, as to New-England, Nova-Scotia, Newfoundland, Carolina and Georgia; by the same carried to different parts of Europe, as Spain, Portugal and Italy. In all which places we receive either money, bills of exchange, or commodities that suit for remittance to Britain; which, together with all the profits on the industry of our merchants and mariners, arising in those circuitous voyages, and the freights made by their ships, center finally in Britain to discharge the balance, and pay for British manufactures continually used in the province, or sold to foreigners by our traders.

Q. Have you heard of any difficulties lately laid on the Spanish trade?

A. Yes, I have heard that it has been greatly obstructed by some new regulations, and by the English men of war and cutters stationed all along the coast in America.

Q. Do you think it right that America should be protected by this country, and pay no part of the expence?

A. That is not the case. The colonies raised, clothed and payed, during the last war, near 25000 men, and spent many millions.

Q. Were not you reimbursed by parliament?

A. We were only reimbursed what, in your opinion, we had advanced beyond our proportion, or beyond what might reasonably be expected from us; and it was a very small part of what we spent. Pennsylvania, in particular, disbursed about 500,000 pounds, and the reimbursements in the whole, did not exceed 60,000 pounds.

Q. You

Q. You have said that you pay heavy taxes in Pennsylvania; what do they amount to in the pound?

A. The tax on all estates, real and personal, is eighteen-pence in the pound, fully rated; and the tax on the profits of trades and professions, with other taxes, do, I suppose, make full half a crown in the pound.

Q. Do you know any thing of the rate of exchange in Pennsylvania, and whether it has fallen lately?

A. It is commonly from 170 to 175. I have heard that it has fallen lately from 175 to 162 and a half, owing, I suppose, to their lessening their orders for goods; and when their debts to this country are paid, I think the exchange will probably be at par.

Q. Do not you think the people of America would submit to pay the stamp-duty, if it was moderated?

A. No, never, unless compelled by force of arms.

Q. Are not the taxes in Pennsylvania laid on unequally, in order to burthen the English trade, particularly the tax on professions and businesses?

A. It is not more burthensome in proportion than the tax on lands. It is intended, and supposed to take an equal proportion of profits.

Q. How is the assembly composed? Of what kind of people are the members, landholders or traders?

A. It is composed of landholders, merchants and artificers.

Q. Are not the majority landholders?

A. I believe they are.

Q. Do not they, as much as possible, shift the tax off from the land, to ease that, and lay the burthen heavier on trade?

A. I have never understood it so. I never heard such a thing suggested. And indeed an attempt of that kind could answer no purpose. The merchant or trader is always skilled in figures, and ready with his pen and ink. If unequal burthens are laid on

his trade, he puts an additional price on his goods; and the consumers, who are chiefly landholders, finally pay the greatest part, if not the whole.

Q. What was the temper of America towards Great Britain before the year 1763?

A. The best in the world. They submitted willingly to the government of the crown, and paid, in all their courts, obedience to acts of parliament. Numerous as the people are in the several old provinces, they cost you nothing in forts, citadels, garisons or armies, to keep them in subjection. They were governed by this country at the expence only of a little pen, ink and paper. They were led by a thread. They had not only a respect, but an affection for Great-Britain, for its laws, its customs and manners, and even a fondness for its fashions, that greatly increased the commerce. Natives of Britain were always treated with particular regard; to be an Old England-man was, of itself, a character of some respect, and gave a kind of rank among us.

Q. And what is their temper now.

A. O, very much altered.

Q. Did you ever hear the authority of parliament to make laws for America questioned till lately?

A. The authority of parliament was allowed to be valid in all laws, except such as should lay internal taxes. It was never disputed in laying duties to regulate commerce.

Q. In what proportion hath population increased in America?

A. I think the inhabitants of all the provinces together, taken at a medium, double in about twenty-five years. But their demand for British manufactures increases much faster, as the consumption is not merely in proportion to their numbers, but grows with the growing abilities of the same numbers to pay for them. In 1723, the whole importation from Britain to Pennsylvania, was but about 15,000

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pounds

pounds sterling; it is now near half a million.

Q. In what light did the people of America use to consider the parliament of Great-Britain?

A. They considered the parliament as the great bulwark and security of their liberties and privileges, and always spoke of it with the utmost respect and veneration. Arbitrary ministers, they thought, might possibly, at times, attempt to oppress them; but they relied on it, that the parliament, on application, would always give redress. They remembered, with gratitude, a strong instance of this, when a bill was brought into parliament, with a clause, to make royal instructions laws in the colonies, which the house of commons would not pass, and it was thrown out.

Q. And have they not still the same respect for parliament?

A. No; it is greatly lessened.

Q. To what causes is that owing?

A. To a concurrence of causes; the restraints lately laid on their trade; by which the bringing of foreign gold and silver into the colonies was prevented; the prohibition of making paper money among themselves; and then demanding a new and heavy tax by stamps; taking away, at the same time, trials by juries, and refusing to receive and hear their humble petitions.

Q. Don't you think they would submit to the stamp-act, if it was modified, the obnoxious parts taken out, and the duty reduced to some particulars, of small moment?

A. No; they will never submit to it.

Q. What do you think is the reason that the people of America increase faster than in England?

A. Because they marry younger, and more generally.

Q. Why so?

A. Because any young couple that are industrious, may easily obtain land of their own, on which they can raise a family.

Q. Are not the lower rank of people more at their ease in America than in England?

A. They may be so, if they are sober and diligent, as they are better paid for their labour.

Q. What is your opinion of a future tax, imposed on the same principle with that of the stamp-act; how would the Americans receive it?

A. Just as they do this. They would not pay it.

Q. Have not you heard of the resolutions of this house, and of the house of lords, asserting the right of parliament relating to America, including a power to tax the people there?

A. Yes, I have heard of such resolutions.

Q. What will be the opinion of the Americans on those resolutions?

A. They will think them unconstitutional and unjust.

Q. Was it an opinion in America before 1763, that the parliament had no right to lay taxes and duties there?

A. I never heard any objection to the right of laying duties to regulate commerce; but a right to lay internal taxes was never supposed to be in parliament, as we are not represented there.

Q. On what do you found your opinion, that the people in America made any such distinction?

A. I know that whenever the subject has occurred in conversation where I have been present, it has appeared to be the opinion of every one, that we could not be taxed in a parliament where we were not represented. But the payment of duties laid by act of parliament, as regulations of commerce was never disputed.

Q. But can you name any act of assembly, or public act of any of your governments, that made such distinction?

A. I do not know that there was any; I think there was never an occasion

casion to make any such act, till now that you have attempted to tax us; that has occasioned resolutions of assembly, declaring the distinction, in which I think every assembly on the continent, and every member in every assembly, have been unanimous.

Q. What then could occasion conversations on that subject before that time.

A. There was in 1754 a proposition made (I think it came from hence) that in case of a war, which was then apprehended, the governors of the colonies should meet, and order the levying of troops, building of forts, and taking every other necessary measure for the general defence; and should draw on the treasury here for the sums expended, which were afterwards to be raised in the colonies by a general tax, to be laid on them by act of parliament. This occasioned a good deal of conversation on the subject, and the general opinion was, that the parliament neither would nor could lay any tax on us, till we were duly represented in parliament, because it was not just, nor agreeable to the nature of an English constitution.

Q. Don't you know there was a time in New-York, when it was under consideration to make an application to parliament to lay taxes on that colony, upon a deficiency arising from the assembly's refusing or neglecting to raise the necessary supplies for the support of the civil government?

A. I never heard of it.

Q. There was such an application under consideration in New-York; and do you apprehend they could suppose the right of parliament to lay a tax in America was only local, and confined to the case of a deficiency in a particular colony, by a refusal of its assembly to raise the necessary supplies?

A. They could not suppose such a case, as that the assembly would not raise the necessary supplies to support

its own government. An assembly that would refuse it must want common sense, which cannot be supposed. I think there never was any such case at New-York, and that it must be a misrepresentation, or the fact must be misunderstood. I know there have been some attempts, by ministerial instructions from hence, to oblige the assemblies to settle permanent salaries on governors, which they wisely refused to do; but I believe no assembly of New-York, or any other colony, ever refused duly to support government by proper allowances, from time to time, to public officers.

Q. But in case a governor, acting by instruction, should call on an assembly to raise the necessary supplies, and the assembly should refuse to do it, do you not think it would then be for the good of the people of the colony, as well as necessary to government, that the parliament should tax them?

A. I do not think it would be necessary. If an assembly could possibly be so absurd as to refuse raising the supplies requisite for the maintenance of government among them, they could not long remain in such a situation; the disorders and confusion occasioned by it must soon bring them to reason.

Q. If it should not, ought not the right to be in Great-Britain of applying a remedy?

A. A right only to be used in such a case, I should have no objection to, supposing it to be used merely for the good of the people of the colony.

Q. But who is to judge of that, Britain or the colony?

A. Those that feel can best judge.

Q. You say the colonies have always submitted to external taxes, and object to the right of parliament only in laying internal taxes; now can you shew that there is any kind of difference between the two taxes to the colony on which they may be laid?

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A. I think the difference is very great. An external tax is a duty laid on commodities imported; that duty is added to the first cost, and other charges on the commodity, and when it is offered to sale, makes a part of the price. If the people do not like it at that price, they refuse it; they are not obliged to pay it. But an internal tax is forced from the people without their consent, if not laid by their own representatives. The stamp act says, we shall have no commerce, make no exchange of property with each other, neither purchase nor grant, nor recover debts; we shall neither marry nor make our wills, unless we pay such and such sums, and thus it is intended to extort our money from us, or ruin us by the consequences of refusing to pay it.

Q. But supposing the internal tax or duty to be laid on the necessities of life imported into your colony, will not that be the same thing in its effects as an internal tax?

A. I do not know a single article imported into the northern colonies, but what they can either do without, or make themselves.

Q. Don't you think cloth from England absolutely necessary to them?

A. No, by no means absolutely necessary; with industry and good management they may very well supply themselves with all they want.

Q. Will it not take a long time to establish that manufacture among them; and must they not in the mean while suffer greatly?

A. I think not. They have made a surprising progress already. And I am of opinion, that before their old clothes are worn out, they will have new ones of their own making.

Q. Can they possibly find wool enough in North-America?

A. They have taken steps to increase the wool. They entered into general combinations to eat no more lamb, and very few lambs were killed last year. This course persisted in,

will soon make a prodigious difference in the quantity of wool. And the establishing of great manufactories, like those in the clothing towns here, is not necessary, as it is where the business is to be carried on for the purposes of trade. The people will all spin, and work for themselves, in their own houses.

Q. Can there be wool and manufacture enough in one or two years?

A. In three years, I think, there may.

Q. Does not the severity of the winter, in the northern colonies, occasion the wool to be of bad quality?

A. No; the wool is very fine and good.

Q. In the more southern colonies, as in Virginia, don't you know that the wool is coarse, and only a kind of hair?

A. I don't know it. I never heard it. Yet I have been sometimes in Virginia. I cannot say I ever took particular notice of the wool there, but I believe it is good, though I cannot speak positively of it; but Virginia, and the colonies south of it, have less occasion for wool; their winters are short, and not very severe, and they can very well clothe themselves with linen and cotton of their own raising for the rest of the year.

Q. Are not the people in the more northern colonies obliged to fodder their sheep all the winter?

A. In some of the most northern colonies they may be obliged to do it some part of the winter.

Q. Considering the resolutions of parliament, as to the right, do you think, if the stamp-act is repealed, that the North-Americans will be satisfied?

A. I believe they will?

Q. Why do you think so?

A. I think the resolutions of right will give them very little concern, if they are never attempted to be carried into practice. The colonies will probably consider themselves in the same situation,

situation, in that respect, with Ireland; they know you claim the same right with regard to Ireland, but you never exercise it. And they may believe you never will exercise it in the colonies, any more than in Ireland, unless on some very extraordinary occasion.

Q. But who are to be the judges of that extraordinary occasion? Is not the parliament?

A. Though the parliament may judge of the occasion, the people will think it can never exercise such right, till representatives from the colonies are admitted into parliament, and that whenever the occasion arises, representatives will be ordered.

Q. Did you never hear that Maryland, during the last war, had refused to furnish a quota towards the common defence?

A. Maryland has been much misrepresented in that matter. Maryland, to my knowledge, never refused to contribute, or grant aids to the crown. The assemblies every year, during the war, voted considerable sums, and formed bills to raise them. The bills were, according to the constitution of that province, sent up to the council, or upper house, for concurrence, that they might be presented to the governor, in order to be enacted into laws. Unhappy disputes between the two houses arising, from the defects of that constitution principally, rendered all the bills but one or two abortive. The proprietary's council rejected them. It is true, Maryland did not contribute its proportion, but it was, in my opinion, the fault of the government, not of the people.

Q. Was it not talked of in the other provinces as a proper measure to apply to parliament to compel them?

A. I have heard such discourse; but as it was well known, that the people were not to blame, no such

application was ever made, nor any step taken towards it.

Q. Was it not proposed at a public meeting?

A. Not that I know of.

Q. Do you remember the abolishing of the paper currency in New-England, by act of assembly?

A. I do remember its being abolished, in the Massachusetts-bay.

Q. Was not lieutenant-governor Hutchinson principally concerned in that transaction?

A. I have heard so.

Q. Was it not at that time a very unpopular law?

A. I believe it might, though I can say little about it, as I lived at a distance from that province.

Q. Was not the scarcity of gold and silver an argument used against abolishing the paper?

A. I suppose it was.

Q. What is the present opinion there of that law? Is it as unpopular as it was at first?

A. I think it is not.

Q. Have not instructions from hence been sometimes sent over to governors, highly oppressive and unpolitical?

A. Yes.

Q. Have not some governors dispensed with them for that reason?

A. Yes; I have heard so.

Q. Did the Americans ever dispute the controuling power of parliament to regulate the commerce?

A. No.

Q. Can any thing less than a military force carry the stamp act into execution?

A. I do not see how a military force can be applied to that purpose.

Q. Why may it not?

A. Suppose a military force sent into America, they will find nobody in arms; what are they then to do? They cannot force a man to take stamps who chuses to do without them. They will not find a rebellion; they may indeed make one.

Q. If the act is not repealed, what do you think will be the consequences?

A. A total loss of the respect and affection the people of America bear to this country, and of all the commerce that depends on that respect and affection.

Q. How can the commerce be affected?

A. You will find, that if the act is not repealed, they will take very little of your manufactures in a short time.

Q. Is it in their power to do without them?

A. I think they may very well do without them.

Q. Is it their interest not to take them?

A. The goods they take from Britain are either necessities, mere conveniences, or superfluities. The first, as cloth, &c. with a little industry they can make at home; the second they can do without, till they are able to provide them among themselves; and the last, which are much the greatest part, they will strike off immediately. They are mere articles of fashion, purchased and consumed, because the fashion in a respected country; but will now be detested and rejected. The people have already struck off, by general agreement, the use of all goods fashionable in mournings, and many thousand pounds worth are sent back as unsaleable.

Q. Is it their interest to make cloth at home?

A. I think they may at present get it cheaper from Britain, I mean of the same fineness and neatness of workmanship; but when one considers other circumstances, the restraints on their trade, and the difficulty of making remittances, it is their interest to make every thing.

Q. Suppose an act of internal regulations connected with a tax, how would they receive it?

A. I think it would be objected to.

Q. Then no regulation with a tax would be submitted to?

A. Their opinion is, that when aids to the crown are wanted, they are to be asked of the several assemblies, according to the old established usage, who will, as they always have done, grant them freely. And that their money ought not to be given away, without their consent, by persons at a distance, unacquainted with their circumstances and abilities. The granting aids to the crown, is the only means they have of recommending themselves to their sovereign, and they think it extremely hard and unjust, that a body of men, in which they have no representatives, should make a merit to itself of giving and granting what is not its own, but theirs, and deprive them of a right they esteem of the utmost value and importance, as it is the security of all their other rights.

Q. But is not the post-office, which they have long received, a tax as well as a regulation?

A. No; the money paid for the postage of a letter is not of the nature of a tax; it is merely a quantum meruit for a service done; no person is compellable to pay the money, if he does not chuse to receive the service. A man may still, as before the act, send his letter by a servant, a special messenger, or a friend, if he thinks it cheaper and safer.

Q. But do they not consider the regulations of the post-office, by the act of last year, as a tax?

A. By the regulations of last year the rate of postage was generally abated near thirty per cent. through all America; they certainly cannot consider such abatement as a tax.

Q. If an excise was laid by parliament, which they might likewise avoid paying, by not consuming the articles excised, would they then not object to it?

A. They would certainly object to it, as an excise is unconnected with any

any service done, and is merely an aid which they think ought to be asked of them, and granted by them, if they are to pay it, and can be granted for them by no others whatsoever, whom they have not impowered for that purpose.

Q. You say they do not object to the right of parliament, in laying duties on goods to be paid on their importation; now, is there any kind of difference between a duty on the importation of goods, and an excise on their consumption?

A. Yes; a very material one; an excise, for the reasons I have just mentioned, they think you can have no right to lay within their country. But the sea is yours; you maintain, by your fleets, the safety of navigation in it, and keep it clear of pirates; you may have therefore a natural and equitable right to some toll or duty on merchandises carried through that part of your dominions, towards defraying the expence you are at in ships to maintain the safety of that carriage.

Q. Does this reasoning hold in the case of a duty laid on the produce of their lands exported? And would they not then object to such a duty?

A. If it tended to make the produce so much dearer abroad as to lessen the demand for it, to be sure they would object to such a duty; not to your right of laying it, but they would complain of it as a burthen, and petition you to lighten it.

Q. Is not the duty paid on the tobacco exported a duty of that kind?

A. That, I think, is only on tobacco carried coastwise from one colony to another, and appropriated as a fund for supporting the college at Williamsburgh in Virginia.

Q. Have not the assemblies in the West-Indies the same natural rights with those in North-America?

A. Undoubtedly.

Q. And is there not a tax laid there on their sugars exported?

A. I am not much acquainted with the West-Indies, but the duty of four and a half per cent. on sugars exported, was, I believe, granted by their own assemblies.

Q. How much is the poll-tax in your province laid on unmarried men?

A. It is, I think, fifteen shillings, to be paid by every single freeman, upwards of twenty-one years old.

Q. What is the annual amount of all the taxes in Pennsylvania?

A. I suppose about 20,000 pounds sterling.

Q. Supposing the stamp act continued, and enforced, do you imagine that ill-humour will induce the Americans to give as much for worse manufactures of their own, and use them, preferably to better of ours?

A. Yes, I think so. People will pay as freely to gratify one passion as another, their resentment as their pride.

Q. Would the people at Boston discontinue their trade?

A. The merchants are a very small number, compared with the body of the people, and must discontinue their trade, if nobody will buy their goods.

Q. What are the body of the people in the colonies?

A. They are farmers, husbandmen or planters.

Q. Would they suffer the produce of their lands to rot?

A. No; but they would not raise so much. They would manufacture more, and plough less.

Q. Would they live without the administration of justice in civil matters, and suffer all the inconveniences of such a situation for any considerable time, rather than take the stamps, supposing the stamps were protected by a sufficient force, where every one might have them?

A. I think the supposition impracticable, that the stamps should be so protected as that every one might have them. The act requires sub-

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distributors

distributors to be appointed in every county town, district and village, and they would be necessary. But the principal distributors, who were to have had a considerable profit on the whole, have not thought it worth while to continue in the office, and I think it impossible to find sub-distributors fit to be trusted, who, for the trifling profit that must come to their share, would incur the odium, and run the hazard that would attend it; and if they could be found, I think it impracticable to protect the stamps in so many distant and remote places.

Q. But in places where they could be protected, would not the people use them rather than remain in such a situation, unable to obtain any right, or recover, by law, any debt?

A. It is hard to say what they would do. I can only judge what other people will think, and how they will act, by what I feel within myself. I have a great many debts due to me in America, and I had rather they should remain unrecoverable by any law, than submit to the stamp act. They will be debts of honour. It is my opinion the people will either continue in that situation, or find some way to extricate themselves, perhaps by generally agreeing to proceed in the courts without stamps.

Q. What do you think a sufficient military force to protect the distribution of the stamps in every part of America?

A. A very great force; I can't say what, if the disposition of America is for a general resistance.

Q. What is the number of men in America able to bear arms, or of disciplined militia?

A. There are, I suppose, at least—
[Question objected to. He withdrew. Called in again.]

Q. Is the American stamp act an equal tax on that country?

A. I think not.

Q. Why so?

A. The greatest part of the money must arise from law-suits for the recovery of debts, and be paid by the lower sort of people, who were too poor easily to pay their debts. It is therefore a heavy tax on the poor, and a tax upon them for being poor.

Q. But will not this increase of expence be a means of lessening the number of law-suits?

A. I think not; for as the costs all fall upon the debtor, and are to be paid by him, they would be no discouragement to the creditor to bring his action.

Q. Would it not have the effect of excessive usury?

A. Yes, as an oppression of the debtor.

Q. How many ships are there laden annually in North-America with flax-seed for Ireland?

A. I cannot speak to the number of ships, but I know that in 1752, 10,000 hogsheads of flax-seed, each containing seven bushels, were exported from Philadelphia to Ireland. I suppose the quantity is greatly increased since that time; and it is understood that the exportation from New-York is equal to that from Philadelphia.

Q. What becomes of the flax that grows with that flax-seed?

A. They manufacture some into coarse, and some into a middling kind of linen.

Q. Are there any spinning-mills in America?

A. I think there are three, but I believe only one at present employed. I suppose they will all be set to work, if the interruption of the trade continues.

Q. Are there any fulling mills there?

A. A great many.

Q. Did you never hear that a great quantity of stockings were contracted for, for the army, during the war, and manufactured in Philadelphia?

A. I have heard so.

Q. If

Q. If the stamp act should be repealed, would not the Americans think they could oblige the parliament to repeal every external tax-law now in force?

A. It is hard to answer questions of what people at such a distance will think.

Q. But what do you imagine they will think were the motives of repealing the act?

A. I suppose they will think that it was repealed from a conviction of its inexpediency; and they will rely upon it, that while the same inexpediency subsists, you will never attempt to make such another.

Q. What do you mean by its inexpediency?

A. I mean its inexpediency on several accounts; the poverty and inability of those who were to pay the tax; the general discontent it has occasioned; and the impracticability of enforcing it.

Q. If the act should be repealed, and the legislature should shew its resentment to the opposers of the stamp act, would the colonies acquiesce in the authority of the legislature? What is your opinion they would do?

A. I don't doubt at all, that if the legislature repeal the stamp act, the colonies will acquiesce in the authority.

Q. But if the legislature should think fit to ascertain its right to lay taxes, by any act laying a small tax, contrary to their opinion, would they submit to pay the tax?

A. The proceedings of the people in America have been considered too much together. The proceedings of the assemblies have been very different from those of the mobs, and should be distinguished, as having no connection with each other. The assemblies have only peaceably resolved what they take to be their rights; they have taken no measures for opposition by force; they have not

built a fort, raised a man, or provided a grain of ammunition, in order to such opposition. The ring-leaders of riots they think ought to be punished; they would punish them themselves, if they could. Every sober, sensible man would wish to see rioters punished, as otherwise peaceable people have no security of person or estate. But as to an internal tax, how small soever, laid by the legislature here on the people there, while they have no representatives in this legislature, I think it will never be submitted to.—They will oppose it to the last:—They do not consider it as at all necessary for you to raise money on them by your taxes, because they are, and always have been, ready to raise money by taxes among themselves, and to grant large sums, equal to their abilities, upon requisition from the crown. They have not only granted equal to their abilities, but, during all the last war, they granted far beyond their abilities, and beyond their proportion with this country, you yourselves being judges, to the amount of many hundred thousand pounds, and this they did freely and readily, only on a sort of promise from the secretary of state, that it should be recommended to parliament to make them compensation. It was accordingly recommended to parliament, in the most honourable manner, for them. America has been greatly misrepresented and abused here, in papers, and pamphlets, and speeches, as ungrateful, and unreasonable, and unjust, in having put this nation to immense expence for their defence, and refusing to bear any part of that expence. The colonies raised, paid, and clothed, near 25000 men during the last war, a number equal to those sent from Britain, and far beyond their proportion; they went deeply into debt in doing this, and all their taxes and estates are mortgaged, for many years to come, for discharging that

that debt. Government here was at that time very sensible of this. The colonies were recommended to parliament. Every year the king sent down to the house a written message to this purpose, That his Majesty, being highly sensible of the zeal and vigour with which his faithful subjects in North-America had exerted themselves, in defence of his Majesty's just rights and possessions, recommended it to the house to take the same into consideration, and enable him to give them a proper compensation. You will find those messages on your own journals every year of the war to the very last, and you did accordingly give 200,000 pounds annually to the crown, to be distributed in such compensation to the colonies. This is the strongest of all proofs that the colonies, far from being unwilling to bear a share of the burthen, did exceed their proportion; for if they had done less, or had only equalled their proportion, there would have been no room or reason for compensation. Indeed the sums reimbursed them, were by no means adequate to the expence they incurred beyond their proportion; but they never murmured at that, they esteemed their sovereign's approbation of their zeal and fidelity, and the approbation of this house, far beyond any other kind of compensation; therefore there was no occasion for this act, to force money from a willing people; they had not refused giving money for the purposes of the act; no requisition had been made; they were always willing and ready to do what could reasonably be expected from them, and in this light they wish to be considered.

Q. But suppose Great-Britain should be engaged in a war in Europe, would North-America contribute to the support of it?

A. I do think they would, as far as their circumstances would permit. They consider themselves as a part

of the British empire, and as having one common interest with it; they may be looked on here as foreigners, but they do not consider themselves as such. They are zealous for the honour and prosperity of this nation, and, while they are well used, will always be ready to support it, as far as their little power goes. In 1739 they were called upon to assist in the expedition against Carthagera, and they sent 3000 men to join your army. It is true Carthagera is in America, but as remote from the Northern Colonies as if it had been in Europe. They make no distinction of wars, as to their duty of assisting in them. I know the last war is commonly spoke of here as entered into for the defence, or for the sake of the people of America. I think it is quite misunderstood. It began about the limits between Canada and Nova-Scotia, about territories to which the crown indeed laid claim, but were not claimed by any British colony; none of the lands had been granted to any colonist; we had therefore no particular concern or interest in that dispute. As to the Ohio, the contest there began about your right of trading in the Indian country, a right you had by the treaty of Utrecht, which the French infringed; they seized the traders and their goods, which were your manufactures; they took a fort which a company of your merchants, and their factors and correspondents, had erected there, to secure that trade. Braddock was sent with an army to re-take that fort (which was looked on here as another incroachment on the King's territory) and to protect your trade. It was not till after his defeat that the colonies were attacked. They were before in perfect peace with both French and Indians; the troops were not therefore sent for their defence. The trade with the Indians, though carried on in America, is not an American interest.

The

The people of America are chiefly farmers and planters; scarce any thing that they raise or produce is an article of commerce with the Indians. The Indian trade is a British interest; it is carried on with British manufactures, for the profit of British merchants and manufacturers; therefore the war, as it commenced for the defence of territories of the crown, the property of no American, and for the defence of a trade purely British, was really a British war—and yet the people of America made no scruple of contributing their utmost towards carrying it on, and bringing it to a happy conclusion.

Q. Do you think then that the taking possession of the King's territorial rights, and strengthening the frontiers, is not an American interest?

A. Not particularly, but conjointly a British and an American interest.

Q. You will not deny that the preceding war, the war with Spain, was entered into for the sake of America; was it not occasioned by captures made in the American seas?

A. Yes; captures of ships carrying on the British trade there, with British manufactures.

Q. Was not the late war with the Indians, since the peace with France, a war for America only?

A. Yes; it was more particularly for America than the former, but it was rather a consequence or remains of the former war, the Indians not having been thoroughly pacified, and the Americans bore by much the greatest share of the expence. It was put an end to by the army under General Bouquet; there were not above 300 regulars in that army, and above 1000 Pennsylvanians.

Q. Is it not necessary to send troops to America, to defend the Americans against the Indians?

A. No, by no means; it never was necessary. They defended themselves when they were but an hand-

ful, and the Indians much more numerous. They continually gained ground, and have driven the Indians over the mountains, without any troops sent to their assistance from this country. And can it be thought necessary now to send troops for their defence from those diminished Indian tribes, when the colonies are become so populous, and so strong? There is not the least occasion for it; they are very able to defend themselves.

Q. Do you say there were no more than 300 regular troops employed in the late Indian war?

A. Not on the Ohio, or the frontiers of Pennsylvania, which was the chief part of the war that affected the colonies. There were garrisons at Niagara, Fort Detroit, and those remote posts kept for the sake of your trade; I did not reckon them, but I believe that on the whole the number of Americans, or provincial troops, employed in the war, was greater than that of the regulars. I am not certain, but I think so.

Q. Do you think the assemblies have a right to levy money on the subject there, to grant to the crown?

A. I certainly think so; they have always done it.

Q. Are they acquainted with the declaration of rights? And do they know that, by that statute, money is not to be raised on the subject but by consent of parliament?

A. They are very well acquainted with it.

Q. How then can they think they have a right to levy money for the crown, or for any other than local purposes?

A. They understand that clause to relate to subjects only within the realm; that no money can be levied on them for the crown, but by consent of parliament. The colonies are not supposed to be within the realm; they have assemblies of their own, which are their parliaments, and they are, in that respect, in the same situation

situation with Ireland. When money is to be raised for the crown upon the subject in Ireland, or in the colonies, the consent is given in the parliament of Ireland, or in the assemblies of the colonies. They think the parliament of Great-Britain cannot properly give that consent till it has representatives from America; for the petition of right expressly says, it is to be by common consent in parliament, and the people of America have no representatives in parliament, to make a part of that common consent.

Q. If the stamp-act should be repealed, and an act should pass, ordering the assemblies of the colonies to indemnify the sufferers by the riots, would they obey it?

A. That is a question I cannot answer.

Q. Suppose the King should require the colonies to grant a revenue, and the parliament should be against their doing it, do they think they can grant a revenue to the King, without the consent of the parliament of Great Britain?

A. That is a deep question.—As to my own opinion, I should think myself at liberty to do it, and should do it, if I liked the occasion.

Q. When money has been raised in the colonies, upon requisitions, has it not been granted to the King?

A. Yes, always; but the requisitions have generally been for some service expressed, as to raise, clothe and pay troops, and not for money only.

Q. If the act should pass, requiring the American assemblies to make compensation to the sufferers, and they should disobey it, and then the parliament should, by another act, lay an internal tax, would they then obey it?

A. The people will pay no internal tax; and I think an act to oblige the assemblies to make compensation is unnecessary, for I am of opinion, that as soon as the present heats are abated,

they will take the matter into consideration; and if it is right to be done, they will do it of themselves.

Q. Do not letters often come into the post-offices in America, directed to some inland town where no post goes?

A. Yes.

Q. Can any private person take up those letters, and carry them as directed?

A. Yes; any friend of the person may do it, paying the postage that has accrued.

Q. But must not he pay an additional postage for the distance to such inland town?

A. No.

Q. Can the post-master answer delivering the letter, without being paid such additional postage?

A. Certainly he can demand nothing, where he does no service.

Q. Suppose a person, being far from home, finds a letter in a post-office directed to him, and he lives in a place to which the post generally goes, and the letter is directed to that place, will the post-master deliver him the letter, without his paying the postage receivable at the place to which the letter is directed.

A. Yes; the office cannot demand postage for a letter that it does not carry, or farther than it does carry it.

Q. Are not ferrymen in America obliged, by act of parliament, to carry over the posts without pay?

A. Yes.

Q. Is not this a tax on the ferrymen?

A. They do not consider it as such, as they have an advantage from persons travelling with the post.

Q. If the stamp-act should be repealed, and the crown should make a requisition to the colonies for a sum of money, would they grant it?

A. I believe they would.

Q. Why do you think so?

A. I can speak for the colony I live in; I had it in instruction from the assembly

assembly to assure the ministry, that as they always had done, so they should always think it their duty to grant such aids to the crown as were suitable to their circumstances and abilities, whenever called upon for the purpose, in the usual constitutional manner; and I had the honour of communicating this instruction to that honourable gentleman then minister.

Q. Would they do this for a British concern; as suppose a war in some part of Europe, that did not affect them?

A. Yes, for any thing that concerned the general interest. They consider themselves as a part of the whole.

Q. What is the usual constitutional manner of calling on the colonies for aids?

A. A letter from the secretary of state.

Q. Is this all you mean, a letter from the secretary of state?

A. I mean the usual way of requisition, in a circular letter from the secretary of state, by his Majesty's command, reciting the occasion, and recommending it to the colonies to grant such aids as became their loyalty, and were suitable to their abilities.

Q. Did the secretary of state ever write for money for the crown?

A. The requisitions have been to raise, clothe and pay men, which cannot be done without money.

Q. Would they grant money alone, if called on?

A. In my opinion they would, money as well as men, when they have money, or can make it.

Q. If the parliament should repeal the stamp-act, will the assembly of Pennsylvania rescind their resolutions?

A. I think not.

Q. Before there was any thought of the stamp-act, did they wish for a representation in parliament?

A. No.

Q. Don't you know that there is, in the Pennsylvania charter, an ex-

press reservation of the right of parliament to lay taxes there?

A. I know there is a clause in the charter, by which the King grants that he will levy no taxes on the inhabitants, unless it be with the consent of the assembly, or by act of parliament.

Q. How then could the assembly of Pennsylvania assert, that laying a tax on them by the stamp-act was an infringement of their rights?

A. They understand it thus; by the same charter, and otherwise, they are intitled to all the privileges and liberties of Englishmen; they find in the great charters, and the petition and declaration of rights, that one of the privileges of English subjects is, that they are not to be taxed but by their common consent; they have therefore relied upon it, from the first settlement of the province, that the parliament never would, nor could, by colour of that clause in the charter, assume a right of taxing them, till it had qualified itself to exercise such right, by admitting representatives from the people to be taxed, who ought to make a part of that common consent.

Q. Are there any words in the charter that justify that construction?

A. The common rights of Englishmen, as declared by Magna Charta, and the petition of right, all justify it.

Q. Does the distinction between internal and external taxes exist in the words of the charter?

A. No, I believe not.

Q. Then may they not, by the same interpretation, object to the parliament's right of external taxation?

A. They never have hitherto. Many arguments have been lately used here to shew them that there is no difference, and that if you have no right to tax them internally, you have none to tax them externally, or make any other law to bind them. At present they do not reason so, but in time

time they may possibly be convinced by these arguments.

Q. Do not the resolutions of the Pennsylvania assembly say all taxes?

A. If they do, they mean only internal taxes; the same words have not always the same meaning here and in the colonies. By taxes they mean internal taxes; by duties they mean customs; these are their ideas of the language.

Q. Have you not seen the resolutions of the Massachusetts Bay assembly?

A. I have.

Q. Do they not say, that neither external nor internal taxes can be laid on them by parliament?

A. I don't know that they do; I believe not.

Q. If the same colony should say neither tax nor imposition could be laid, does not that province hold the power of parliament can lay neither?

A. I suppose that by the word imposition, they do not intend to express duties to be laid on goods imported, as regulations of commerce.

Q. What can the colonies mean then by imposition as distinct from taxes?

A. They may mean many things, as impressing of men, or of carriages, quartering troops on private houses, and the like; there may be great impositions that are not properly taxes.

Q. Is not the post-office rate an internal tax laid by act of parliament?

A. I have answered that.

Q. Are all parts of the colonies equally able to pay taxes?

A. No, certainly; the frontier parts, which have been ravaged by the enemy, are greatly disabled by that means, and therefore, in such cases, are usually favoured in our tax-laws.

Q. Can we, at this distance, be competent judges of what favours are necessary?

A. The parliament have supposed it, by claiming a right to make tax-

laws for America? I think it impossible.

Q. Would the repeal of the stamp-act be any discouragement of your manufactures? Will the people that have begun to manufacture decline it?

A. Yes, I think they will; especially if, at the same time, the trade is opened again, for the remittances can be easily made. I have known several instances that make it probable. In the war before last, tobacco being low, and making little remittance, the people of Virginia went generally into family manufactures. Afterwards, when tobacco bore a better price, they returned to the use of British manufactures. So fulling-mills were very much disused in the last war in Pennsylvania, because bills were then plenty, and remittances could easily be made to Britain for English cloth and other goods.

Q. If the stamp-act should be repealed, would it induce the assemblies of America to acknowledge the rights of parliament to tax them, and would they erase their resolutions?

A. No, never.

Q. Is there no means of obliging them to erase those resolutions?

A. None that I know of; they will never do it, unless compelled by force of arms.

Q. Is there a power on earth that can force them to erase them?

A. No power, how great soever, can force men to change their opinions.

Q. Do they consider the post-office as a tax, or as a regulation?

A. Not as a tax, but as a regulation and expediency; every assembly encouraged it, and supported it in its infancy, by grants of money, which they would not otherwise have done; and the people have always paid the postage.

Q. When did you receive the instructions you mentioned?

A. I brought them with me, when I came

I came to England, about fifteen months since.

Q. When did you communicate that instruction to the minister?

A. Soon after my arrival, while the stamping of America was under consideration, and before the bill was brought in.

Q. Would it be most for the interest of Great-Britain, to employ the hands of Virginia in tobacco, or in manufactures.

A. In tobacco, to be sure.

Q. What used to be the pride of the Americans?

A. To indulge in the fashions and manufactures of Great-Britain.

Q. What is now their pride?

A. To wear their old cloaths over again, till they can make new ones.

(Withdrawn.)

The bill to repeal the stamp-act having passed the Commons, was brought to the Lords; whose house it passed also. But the following protests were entered against it.

Die Merc. 10 Martii, 1766.

The order of the day being read for the second reading of the bill, entitled, "An Act to repeal an Act made in the last session of Parliament, entitled, An Act for granting and applying certain Stamp-Duties and other duties in the British Colonies and Plantations in America, towards further defraying the expences of defending, protecting, and securing the same, and for amending such parts of the several acts of parliament relating to the Trade and Revenues of the said Colonies and Plantations, as direct the manner of Determining and Recovering the Penalties and Forfeitures therein-mentioned." Then the said Bill was read a second Time, and it being proposed to commit the Bill, the same was objected to. After a long Debate thereupon, the Question was put, Whether the said Bill shall be committed: It was resolved in the affirmative,

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Dissentient,

1st, Because, as this house has in this session by several resolutions most solemnly asserted and declared, first, "That the King's Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons of Great Britain, in Parliament assembled, had, hath, and of right ought to have, full power and authority, to make laws and statutes of sufficient force and validity to bind the Colonies, and people of America, subjects of the Crown of Great-Britain, in all cases whatsoever." Secondly, "That tumults and insurrections of the most dangerous nature have been raised and carried on in several of the North American Colonies, in open defiance of the power and dignity of his Majesty's Government, and in manifest violation of the laws and legislative authority of this Kingdom:" Thirdly, "That the said tumults and insurrections have been encouraged and inflamed, by sundry votes and resolutions passed in several of the Assemblies of the said Provinces, derogatory to the honour of his Majesty's Government, and destructive of the legal and constitutional dependency of the said Colonies, on the imperial Crown and Parliament of Great Britain:" Which resolutions were founded on a full examination of the papers on our table, manifesting a denial of the legislative authority of the crown and parliament of Great Britain, to impose duties and taxes on our North-American Colonies; and a criminal resistance there made to the execution of the commercial and other regulations of the stamp-act, and of other acts of parliament: we are of opinion, that the total repealing of that law, especially

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especially while such resistance continues, would (as Governor Barnard says is their intention) "make the authority of Great Britain contemptible hereafter; and that such a submission of King, Lords, and Commons, under such circumstances, in so strange and unheard of a contest, would, in effect, surrender their ancient, unalienable rights of supreme jurisdiction, and give them exclusively to the subordinate provincial legislatures established by prerogative; which was never intended or thought of, and is not in the power of prerogative to bestow; as they are inseparable from the three estates of the realm assembled in parliament.

2dly, Because the law, which this bill now proposes to repeal, was passed in the other house with very little opposition, and in this without one dissentient voice, during the last session of parliament, which we presume, if it had been wholly and fundamentally wrong, could not possibly have happened; as the matter of it is so important, and as the intention of bringing it in, had been communicated to the commons by the first commissioner of the treasury the year before, and a resolution, relating and preparatory to it, was then agreed to in that house, without any division.

3dly, Because, if any particular parts of that law, the principal of which has been experienced and submitted to in this country, without reprobation, for near a century past, had been found liable to just and reasonable objections, they might have been altered by a bill to explain and amend it, without repealing the whole. And, if any such bill had been sent to us by the commons, we should have thought it our duty to have given it a most serious consideration, with a warm desire of relieving our countrymen in America from any grievance or hardship; but with proper care to enforce their submission and obedience to the law so amended, and to the whole

legislative authority of Great-Britain, without any reserve or distinction whatsoever.

4thly, Because, it appears to us, that a most essential branch of that authority, the power of taxation, cannot be properly, equitably, or impartially exercised, if it does not extend itself to all the members of the state in proportion to their respective abilities; but suffers a part to be exempt from a due share of those burthens, which the public exigencies require to be imposed upon the whole: a partiality which is directly and manifestly repugnant to the trust reposed by the people in every legislature, and destructive of that confidence on which all government is founded.

5thly, Because, the ability of our North-American Colonies, to bear without inconvenience the proportion laid on them by the stamp-act of last year, appears to us most unquestionable, for the following reasons: First, That the estimated produce of this tax, amounting to sixty thousand pounds *per annum*, if divided amongst twelve hundred thousand people (being little more than one half of the subjects of the crown in North America) would be only one shilling per head a year; which is but a third of the wages usually paid to every labourer or manufacturer there for one day's labour: Secondly, That it appears by the accounts that have been laid before this house from the commissioners of trade and plantations, that of the debt contracted by those colonies in the last war, above £.1,755,000, has already been discharged during the course of three years only, by the funds provided for that purpose in the several provinces; and the much greater part of the remaining incumbrance, which in the whole is about 760,000 pounds, will be paid in two years more: We must likewise observe, that the bounties and advantages given to them by parliament in 1764 and 1765, and the

the duties thereby lost to Great-Britain for their service, and in order to enable them the more easily to pay this tax, must necessarily amount in a few years to a far greater sum than the produce thereof. It is also evident, that such produce being wholly appropriated to the payment of the army maintained by this kingdom in our colonies, at the vast expence of almost a shilling in the pound land-tax, annually remitted by us for their special defence and protection; not only no money would have been actually drawn by it out of that country, but the ease given by it to the people of Great Britain, who are labouring under a debt of seventy millions, contracted by them to support a very dangerous war, entered into for the interest and security of those colonies, would have redounded to the benefit of the colonies themselves in their own immediate safety, by contributing to deliver them from the necessary expence, which many of them have hitherto always borne, in guarding their frontiers against the savage Indians.

6thly, Because, not only the right, but the expediency and necessity of the supreme legislature's exerting its authority to lay a general tax on our American colonies, whenever the wants of the public make it fitting and reasonable that all the provinces should contribute in a proper proportion to the defence of the whole, appear to us undeniable, from these considerations: First, That every province being separate and independent on the others, and having no common council empowered by the constitution of the colonies to act for all, or bind all, such a tax cannot regularly, or without infinite difficulty, be imposed upon them, at any time, even for their immediate defence or protection, by their own provincial assemblies; but requires the intervention and superintending power of the parliament of Great-Britain. Se-

condly, That in looking forwards to the possible contingency of a new war, a contingency perhaps not far remote, the prospect of the burthens, which the gentry and people of this kingdom must then sustain, in addition to those which now lie so heavy upon them, is so melancholy and dreadful, that we cannot but feel it, a most indispensable duty, to ease them as much as is possible, by a due and moderate exertion of that great right, which the constitution of this realm has vested in the parliament, to provide for the safety of all, by a proportionable charge upon all, equally and indifferently laid. We likewise apprehend, that a partial exemption of our colonies from any exercise of this right by the British legislature, would be thought so invidious, and so unjust to the other subjects of the crown of Great-Britain, as to alienate the hearts of these from their countrymen residing in America, to the great detriment of the latter, who have on many occasions received, and may again want assistance, from the generous warmth of their affection.

7thly, Because, the reasons assigned in the public resolutions of the provincial assemblies, in the North American colonies, for their disobeying the stamp-act, viz. "That they are not represented in the Parliament of Great Britain," extends to all other laws, of what nature soever, which that parliament has enacted, or shall enact, to bind them in times to come, and must (if admitted) set them absolutely free from any obedience to the power of the British legislature. We likewise observe, that in a letter to Mr. Secretary Conway, dated the 12th of October 1765; the commander in chief of his Majesty's forces in North-America has declared his opinion, "That the question is not of the inexpediency of the stamp-act, or of the inability of the colonies to pay the tax; but that it is unconstitutional and contrary to their rights, supporting the inde-

vinces, and not the legislative power of the parliament is moreover asserted by Mr. Conway, in his speech on the 11th of November, "That the merchants are averse to taxes and that the merchants of the colonies think they have a right to the freedom of trade which the subjects of Great Britain now enjoy." This opinion of theirs strikes directly at the Act of Navigation, and other subsequent laws, which from time to time have been made in the wise policy of that act; and should they ever be encouraged to procure for themselves that absolute freedom of trade, which they appear to desire, our plantations would become, not only of no benefit, but in the highest degree prejudicial to the commerce and welfare of their mother-country; nor is it easy to conceive a greater encouragement, than the repealing of a law, opposed by them on such principles, and with so much contempt of the sovereignty of the British legislature.

Lastly, Because, the appearance of weakness and timidity in the government and parliament of this kingdom, which a concession of this nature may too probably carry with it, has a manifest tendency to draw on further insults, and by lessening the respect of all his Majesty's subjects to the dignity of his crown, and authority of his laws, throw the whole British empire into a miserable state of confusion and anarchy, with which it seems by many symptoms to be dangerously threatened: and this is the more to be feared, as the plea of our North American colonies, that, not being represented in the parliament of Great Britain, they ought not pay taxes imposed or levied upon them by the authority thereof, may by the same reasoning be extended to all persons in this island, who do not actually vote for members of parliament; nor can we help apprehending, that the opi-

nion of some countenance being given to such notions by the legislature itself, in consenting to this bill for the repeal of the stamp-act, may greatly promote the contagion of a most dangerous doctrine, destructive to all government, which has spread itself over all our North American colonies, that the obedience of the subject is not due to the laws and legislature of the realm, farther than he in his private judgment shall think it conformable to the ideas he has formed of a free constitution.

Lastly, Because, we think it no effectual guard, or security, against this danger, that the parliament has declared in the resolutions of both houses, passed during this session, and now reduced into a bill, That such notions are ill founded; as men will always look more to deeds than words, and may therefore incline to believe, that the insurrections in our colonies, excited by those notions, having so far proved successful, as to attain the very point, at which they aimed, the immediate repeal of the stamp-act, without any previous submission on the part of the colonies, the legislature has in fact submitted to them, and has only more grievously injured its own dignity and authority, by verbally asserting that right, which it substantially yields up to their opposition. The reasons assigned for this concession render it still more alarming, as they arise from an illegal and hostile combination of the people of America, to distress and starve our manufacturers, and to withhold from our merchants the payment of their just debts: the former of which measures has only been practised in open war between two states; and the latter, we believe, not even in that situation, either by the public or by individuals, among the civilized nations of Europe, in modern times. If this unprecedented plan of intimidation shall meet with success, it is easy to foresee, that the practice of it for other and still greater objects

Subjects will frequently be renewed, and our manufacturers and merchants reduced to the like, and more permanent distress: we cannot therefore but wish, that some more eligible method, consistent with their future safety and our dignity, had been taken by parliament, to shew our tender concern and compassion for their sufferings, and to discourage any other such unwarrantable attempts; which we are fully persuaded would have been very practicable, with due care and attention, and at an expence very inferior to the importance of the object.

Lastly, Because, we are convinced from the unanimous testimony of the governors, and other officers of the crown in America, that if, by a most unhappy delay and neglect to provide for the due execution of the law, and arm the government there with proper orders and powers, repeatedly called for in vain, these disturbances had not been continued and encreased, they might easily have been quieted before they had attained to any dangerous height; and we cannot, without feeling the most lively sense of grief and indignation, hear arguments drawn from the progress of evils, which should and might have been stopped in their first and feeble beginnings, used for the still greater evil of sacrificing to a present relief the highest permanent interests, and the whole majesty, power, and reputation of government: This afflicts us the more deeply, because it appears from many letters, that this law, if properly supported by government, would from the peculiar circumstances attending the disobedience to it, execute itself without bloodshed. And it is said in one of the letters to Mr. Secretary Conway, "That the principal view is to intimidate the parliament; but that if it be thought prudent to enforce their authority, the people dare not oppose a vigorous resolution of the parliament of Great-Britain." That

vigorous resolution has not yet been found in the parliament; and we greatly fear, that the want of it will certainly produce one of these two fatal consequences; either that the repeal of this law will in effect annul and abrogate all other laws and statutes relating to our colonies, and particularly the acts that restrain or limit their commerce, of which they are most impatient; or, if we should hereafter attempt to enforce the execution of those laws against their will, and by virtue of an authority, which they have dared to insult with impunity and success, that endeavour will bring upon us all those evils and inconveniencies, to the fear of which we now sacrifice the sovereignty of the realm; and this at a time when the strength of our colonies, as well as their desire of a total independence on the legislature and government of their mother-country, may be greatly augmented, and when the circumstances and dispositions of the other powers of Europe, may render the contest far more dangerous and formidable to this kingdom.

Bedford	Scaridale
Coventry	Lyttelton
Bridgewater	Dunk Hallifax
Temple	Eglington
Buckingham	Suffolk and Berkshire
Wentworth	Abercorn
Sandwich	Vere
Bolingbroke	Trevor
Marlborough	Thomas Bristol
W. Gloucester	Ferrers
Ker	Grosvenor
Leigh	Townshend
Bangor	Dudley and Ward
Waldegrave	Charles Carlisle
Aylesford	Powis
Gower	Hyde.
Weymouth	

Die Lunæ, 17^o Martii, 1766.
 The Order of the Day being read for the third reading of the Bill, intituled, "An Act to repeal an Act made in the last Session of Parliament."

Parliament,' entitled, 'An Act for granting and applying certain Stamp Duties, and other Duties in the British Colonies and Plantations in America, towards further defraying the Expences of defending, protecting, and securing the same, and for amending such Parts of the several Acts of Parliament relating to the Trade and Revenues of the said Colonies and Plantations, as direct the Manner of determining and recovering the Penalties and Forfeitures therein mentioned.' Then the said Bill was read a third Time, and it being proposed to pass the Bill, the same was objected to. After some Debate thereupon, the Question was put, Whether the said Bill shall pass; It was resolved in the Affirmative.

Dissentient,

1st. Because we think, that the declaratory bill we pass last week, cannot possibly obviate the growing mischiefs in America, where it may seem calculated only to deceive the people of Great-Britain, by holding forth a delusive and nugatory affirmation of the legislative right of this kingdom, whilst the enacting part of it does no more than abrogate the resolutions of the house of representatives in the North-American colonies, which have not in themselves the least colour of authority; and declares that, which is apparently and certainly criminal, only null and void.

2dly. Because the particular objections, which have been made to the stamp act in North-America, and which have been adopted in the course of the Debate: upon this bill for repealing it, are in fact contradicted by undeniable evidence upon our table; it having been urged, first, That all the money to be collected by this tax was to be annually remitted hither, and that the North-American colonies would thereby be

drained of all their specie; and secondly, That the institution of vice-admiralty courts in those colonies, for the recovery of penalties upon revenue laws without juries, is a novel practice, by means of which his Majesty's subjects in those dominions, 'would be deprived of one of their most valuable liberties, trials by juries, and in this respect distinguished from their fellow subjects in Great-Britain;' and would likewise be liable to the greatest inconvenience, vexation and injustice, through the option left to any prosecutor to call them from one end of that extensive continent to the other; and through the temptation to the judge, to condemn rather than to acquit, from his being paid by poundage of the condemnation-money: whereas, with regard to the first of these objections, it appears by the minute of the late board of treasury laid before this house, and dated on the 9th day of July last, that the fullest directions had been sent to the several officers of the revenue, 'that in order to obviate the inconvenience of bringing into this kingdom the money to be raised by the stamp duties, all the produce of the American duties arising or to arise, by virtue of any British act of parliament, should, from time to time, be paid to the deputy paymaster in America, to defray the subsistence of the troops, and any military expences incurred in the colonies:' and with regard to the second objection, it is manifest, from sundry acts of parliament, that a jurisdiction has been assigned to the judges of those courts, for the recovery of penalties upon the laws of revenue and of trade, without juries, for near a century past, from the consideration (as we apprehend) that in some of the colonies they are the only judges not elected by the people; and so far it is from being true, that the subjects in North-America, by being deprived in these cases of trials

by

by juries, were in that respect distinguished from their fellow subjects in Great-Britain; that, in this very instance of the stamp duties, the penalties, which by the American stamp act were made recoverable without a jury before a judge of the vice-admiralty court, are, by the laws now in force for collecting the stamp duties in Great-Britain, recoverable also without a jury, before two justices of the peace, with the like powers in both cases, which we earnestly wish were not still more necessary for the collection of the public revenue in America than in Great-Britain; and which we should be most desirous, if possible, to alleviate in both countries: with this view, and to take away all just occasion for discontent, we were very glad to find by the representation from the late commissioners of the treasury to his Majesty in council, dated on the 4th day of July last, that the strictest attention had been given by that board to prevent the inconvenience and injustice above-mentioned, by a plan to establish three different courts of vice-admiralty at the most convenient places, with proper districts annexed to each; and to give the judges sufficient and honourable salaries in lieu of all poundage and fees whatsoever: but we cannot observe, without the highest concern and surprize, that this representation, founded upon a clause inserted in the stamp act for this very purpose, and expressly calculated to relieve his Majesty's subjects in North-America from many unnecessary hardships and oppressions, to which they are now liable by many other laws still subsisting, should be totally disregarded for several months, and be suffered to remain unexecuted in every part of it even to this day; and that no notice whatever should be taken, in any of the dispatches from the present administration to the governors of the colonies in North-America, of the timely care

which had been employed to obviate the objections raised on both those heads: especially, as it is notorious, that the measures to be pursued, in consequence of that minute and representation, had been fully opened and approved in parliament, at the time when the stamp act was proposed; and as the total neglect of it has given occasion to great clamour and dissatisfaction in the colonies. We cannot help further observing, that as the stamp act was not to take place till the 1st of November, if the parliament had been called early, their determinations, either for enforcing or repealing that law, would probably have delivered the merchants and manufacturers here from all the difficulties and distress to which they have been for so many months exposed; nor would the disorders in America, where all government is prostrate, have risen to so great a height, or taken so deep a root.

3dly. Because the argument which has been used in favour of this bill of repeal, that the experiment of the stamp act has been tried, and has failed, is extremely ill founded; as it manifestly appears from the whole tenor of the papers laid before us, that if this experiment had been properly tried, with the same zeal for its success with which it was first proposed, it would not have failed in any of the colonies: and that this was the opinion of the greater part of the governors in North-America, and of many of the most intelligent and respectable persons in those provinces, for some time after this act was passed, is evident beyond a doubt, from the letters of the former now upon our table, and from the latter having applied for, and accepted the office of distributors of the stamps under that act, which they certainly would not have done, and thereby have exposed their lives and fortunes to the violence and outrages which they have since undergone, if they had then thought

thought the success of this measure in any degree precarious: nor have we heard of any impracticability attending this law in Jamaica and Barbadoes, and some other of the West-India islands, or in those of our colonies in North-America, where it has been executed.

4thly. Because a precedent of the two houses of parliament lending their power, from motives of fear or impatience under a present uneasiness, to overturn in one month a plan of measures, undertaken with their warmest approbation and concurrence, after the most mature deliberation of two years together, for the improvement of our revenue, and the relief of our people, will effectually discourage all officers of the crown in America from doing their duty, and executing the laws of this kingdom; and is enough to deter future ministers, in any circumstances of distress or danger to their country, from opposing their fortitude and zeal for the service of the public, to strong combinations of private and particular interests, to the clamour of multitudes, or the malice of faction; which must necessarily bring on such a weakness and pusillanimity in the administration of government, as will soon end in the downfall and ruin of the state.

Lastly. Because the repeal of this law under the present circumstances, will, we fear, not only surrender the honour and essential interests of the kingdom now and for ever, both at home and abroad, but will also deeply affect the fundamental principles of our constitution; for if we pass this bill against our opinion, from the threats and compulsion publicly avowed in our colonies, and enforced by the most unjustifiable means within Great-Britain, we disclaim that legislative authority over the subjects, which we own ourselves unable to maintain. If we give our consent to it here, without a full conviction that it is right, merely because it has

passed the other house, by declining to do our duty on the most important occasion which can ever present itself, and where our interposition, for many obvious reasons, would be peculiarly proper; we in effect annihilate this branch of the legislature, and vote ourselves useless. Or if by passing this bill, we mean to justify those, who in America, and even in Great-Britain, have treated a series of British acts of parliament as so many acts of tyranny and oppression, which it is scarcely criminal to resist; or those officers of the crown, who, under the eye, and with the knowledge of government, have taken upon themselves, whilst the parliament was sitting, without its consent, to suspend the execution of the stamp act, by admitting ships from the colonies, with unstamped clearances, to an entry, in direct violation of it, which from the papers upon our table appears to have been done; we shall then give our approbation to an open breach of the first article of that great palladium of our liberties, the bill of rights; by which it is declared, 'That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of parliament, is illegal.' Lastly, If we ground our proceedings upon the opinion of those who have contended in this house, that from the constitution of our colonies they ought never to be taxed, even for their own immediate defence, we fear that such a declaration, by which near a fifth part of the subjects of Great-Britain, who by the acts of parliament to restrain the pressing of seamen in America, are already exempted from furnishing men to our navy, are to be for ever exempted from contributing their share towards their own support in money likewise, will, from the flagrant partiality and injustice of it, either depopulate this kingdom, or shake the basis of equality, and of that original compact,
upon

upon which every society is founded; and as we believe, that there is no instance of such a permanent exemption of so large a body of the subjects of any state in any history, ancient or modern, we are extremely apprehensive of the fatal consequences of this unhappy measure; to which, for these reasons, in addition to those contained in the protest of the 11th of this month, our duty to the King, and justice to our country, oblige us to enter this our solemn dissent.

Temple	Dudley and Ward
Abercorn	Suffolk and Berkshire
Scarshale	Leigh
J. Bangor	Bridgewater
Trevor	Gower
Hyde	Griffin
Marlborough	Powis
Sandwich	Ker
Charles Carlisle	Lytton
Weymouth	Essex
Thomas Bristol	Ferrers
W. Gloucester	Aylesford
Buckinghamshire	Vere
R. Dursane	Eglington.

[Here the dispute seems to have ceased—until it was revived the next session of parliament (1766-7), when the following letters and papers were laid upon the table; which have not been printed before.]

Copy of Mr. Secretary Conway's Circular Letter to his Majesty's Governors in America.

St. James's, March 31, 1766.

S I R,

Herewith I have the pleasure of transmitting to you copies of two acts of parliament just past, the first for securing the just dependency of the colonies on the mother-country, the second for the repeal of the act of the last session, granting certain stamp-duties in America; and, I expect shortly, to send you a third for the indemnity of such persons as have incurred the penalties imposed by the act just repealed, as such a bill is now depending, and has made a considerable progress in the House of Commons.

The moderation, the forbearance, the unexampled lenity and tenderness of parliament towards the colonies,* which are so signally displayed in those acts, cannot but dispose the province committed to your care, to that return of cheerful obedience to the laws and legislative authority of Great Britain, and to those sentiments of respectful gratitude to the mother-country,

which are the natural, and I trust will be the certain effects of so much grace and condescension so remarkably manifested on the part of his Majesty and of the parliament, and the future happiness and prosperity of the colonies, will very much depend on the testimonies they shall now give of these dispositions.

For as a dutiful and affectionate return to such peculiar proofs of indulgence and affection, may now at this great crisis be a means of fixing the mutual interests and inclinations of Great Britain and her colonies, on the most firm and solid foundations, it cannot but appear visible that the least coolness or unthankfulness, the least murmuring or dissatisfaction on any ground whatever, of former heat, or too much prevailing prejudice, may fatally endanger that union; and give the most severe and affecting blow to the future interests of both countries.

You would think it scarce possible, I imagine, that the paternal care of his Majesty for his colonies, or the lenity and indulgence of the parliament should go farther than I have

The variations contained in the following notes on this letter, were the particular alterations in the letter sent to General Gage.

[* Which are so signally displayed in those acts, cannot but dispose the colonies to that cheerful obedience, &c.]

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already

already mentioned; yet so full of true magnanimity are the sentiments of both, and so free from the smallest colour of passion or prejudice, that they seem not only disposed to forgive but to forget those most unjustifiable marks of an undutiful disposition too frequent in the late transactions of the colonies, and which for the honor of those colonies it were to be wished had been more discountenanced and discouraged by those who had knowledge to conduct themselves otherwise.

A revision of the late American trade laws is going to be the immediate object of parliament, nor will the late transactions there, however provoking, I dare say, prevent the full operation of that kind and indulgent disposition prevailing in both his Majesty and parliament; to give the trade and interest of America every relief which the true state of their circumstances demanded or admit.

Nothing will tend more effectually to every conciliating purpose, and there is nothing therefore I have in command more earnestly to require of you, than that you should exert yourself * in recommending it strongly to the assembly, that full and ample compensation be made to those, who from the madness of the people have suffered for their deference to acts of the British legislature, and you will be particularly attentive that such persons be effectually secured from any further insult, and that as far as in you lies, you will take care by your example and influence, that they may be treated with that respect to their persons, and that justice in regard to all their pretensions which their merits and sufferings undoubtedly claim.—

[* In persuading *that full*, &c.]

[† I have transmitted to the several governors to be laid before the assemblies, will shew you the sense of that house on those points, and I am persuaded, need not press you to exert your utmost endeavours to excite every where a spirit of obedience and submission among the people.]

[‡ Which ought to recommend, &c.]

[§ This will be delivered to you by Major James, whose spirited conduct in his post at New-York, and his unprejudiced representations here must do him great

The resolutions of the House of Commons; which by his Majesty's command † I transmit to you to be laid before the assembly, will shew you the sense of that house on those points, and am persuaded it will, as it most certainly ought to be the glory of that assembly, to adopt and imitate these sentiments of the British parliament, founded on the clearest principles of humanity and justice.

I mention one circumstance in particular that should ‡ recommend those unhappy people, whom the outrage of the populace had driven from America, to the affection of all that country, which is, that unprovoked by the injuries they had suffered, to a forgetfulness of what they owed to truth and their country, they gave their testimonies with knowledge but without passion or prejudice, and those testimonies had, I believe, great weight in persuading the repeal of the stamp-act.

I have only to add, which I do with great pleasure, that every part of your conduct has had the intire and hearty approbation of your sovereign §, and that the judicious representations in favour of your province, which appear in your letters laid before both houses of parliament, seem to have their full weight in all those parts of the American interests to which they relate, and, as his Majesty honors you with his fullest approbation; both for the firmness and for the temperance of your conduct, so I hope your province will be sensible of their obligations to you, and will cordially feel what they owe to a governor whom no outrage could provoke to resentment, nor any insult induce to relax in his endeavour to persuade

persuade his Majesty to show indulgence, and favour even to the offending part of his people. I am, &c.

H. S. CONWAY.

To Governor Bernard.

Like letters to the governors of New-York, New-Jersey, Connecticut, Rhode-Island, Virginia, Maryland, North Carolina and Georgia, which, instead of the last paragraphs, conclude with the following one:

"Your situation, which has made you a witness of the distractions of that country, will enable you to form the best judgment of the behaviour which your province ought to use upon this occasion, and of the arguments which you ought to employ to enforce the necessity of such a behaviour as is suitable to their present circumstances."

The three last paragraphs are omitted in the letters to the governors of Pennsylvania, New-Hampshire, and South-Carolina, which conclude with the paragraph as above, with this addition to Pennsylvania:

"I am glad to find that things have remained quiet in your government: By his Majesty's commands I transmit you the resolutions of the House of Commons, to be laid before your assembly, whom you will at the same time assure of his Majesty's approbation of the wise and prudent as well as dutiful behaviour which the province of Pennsylvania has held, amidst the too prevailing distractions which have so generally agitated the other colonies."

"This behaviour of your province reflects honor on your administration, and I have the satisfaction to inform you, that your own conduct meets

great credit with all honest men. It is by his Majesty's commands that I recommend him not only to your protection but to your favour."

Your last letters of the 22d of February are just received: I cannot now give you a particular answer; your own knowledge of things and prudence will make any particular direction needless.

To Major-General Gage.

[* Government.]

with his Majesty's approbation."

And to New-Hampshire with the following paragraph:

"By his Majesty's commands, I transmit to you the resolutions of the House of Commons of Great Britain, on the occasion of the late disturbances in America, to be laid before the assembly."

The three said last paragraphs are likewise omitted to the governors of Quebec, Nova-Scotia, East and West-Florida, and West-India Islands, and the following one was made use of:

"I am glad to find there have been no disturbances in your province on this occasion, and I am confident, I need not point out to you the behaviour which it becomes the colonies to use at this time, or the arguments which you ought to employ to enforce the necessity of such a behaviour in the present situation of things."

N. B. The resolutions of the House of Commons were also transmitted to them.

Copy of a circular Letter to his Majesty's Governors in America.

Whitehall, July 10, 1766.

S I R,

I send you herewith inclosed, "An Act, intituled, an Act for repealing certain Duties in the British Colonies and Plantations, granted by several Acts of Parliament, &c. and for granting other Duties instead thereof," which I make no doubt will be received and considered as a further proof of the king and parliament's attention to the interests and prosperity of his Majesty's American subjects. I am, &c.

RICHMOND, &c.

I am, &c. H. S. CONWAY.]

N 2

Copy

Copy of a Letter from the Earl of Shelburne to Sir Henry Moore, Governor of New-York.

Whitehall, August 9, 1766.

S I R,

I took the first opportunity, after his Majesty had been most graciously pleased to intrust me with the seals of the southern department, to lay before him your letter of the 20th of June, giving an account of the general satisfaction expressed by all ranks and degrees of people on the repeal of the stamp-act, and likewise your reasons for assenting to a bill for providing barracks, firewood, candles, bedding and utensils for the kitchen for the king's troops as demanded, notwithstanding the articles of salt, vinegar, cyder and beer, be not included, under a pretence that they are not provided for troops lodged in barracks in Europe.

I have his Majesty's commands to acquaint you of the satisfaction he feels in the happiness of his subjects, arising from the tender care and consideration of his parliament; but I am ordered to signify to you at the same time, that as it is the indispensable duty of his subjects in America to obey the acts of the legislature of Great-Britain, the king both expects and requires a due and cheerful obedience to the same; and it cannot be doubted that his Majesty's province of New-York, after the lenity of Great-Britain so recently extended to America, will not fail duly to carry into execution the act of parliament passed last session for quartering his Majesty's troops, in the full extent and meaning of the act, without referring to the usage of other parts of his Majesty's dominions, where the legislature has thought proper to prescribe different regulations, and which cannot be altered any more than in North-America, except upon a respectful and well-grounded representation of the hardship or inconvenience:—These considerations, I am convinced,

most of themselves have so much weight with the assembly of New-York, not only in the present conjuncture, when it is natural to suppose the minds of men retain sensible impressions of what has lately passed, but upon other occasions which may call for a ready obedience; that I cannot think it necessary for me to enlarge further upon their importance; I must only, Sir, in general, add, that I hope and believe, that a very little time, together with that temperate administration of government, which your regard to the people under it must make you naturally incline to, and that firmness which your duty to the king equally requires, will stay whatever remains of those heats which have so unhappily for America prevailed, and which, if continued, must prove of the most fatal consequence to whatever province they are suffered in. I am therefore persuaded, that the assembly will lose no occasion that offers, of convincing his Majesty, that the people of New-York will yield to no other part of his Majesty's subjects in duty, loyalty, and obedience, to such laws as the king and parliament have thought proper to enact, for their benefit and protection.

I am, &c. SHELBURNE.

Copy of a Letter from the Earl of Shelburne to Governor Bernard.

Whitehall, Sept. 13, 1766.

S I R,

I have had the honor to lay before the king your letters of the 29th of June and 19th of July last, together with the inclosures therein contained, and I have received his Majesty's commands to communicate them to such of his servants as he thinks proper usually to consult upon his most important affairs, as soon as the season of the year will conveniently admit of their meeting for this and other purposes. In the mean time his Majesty is extremely sorry to observe any degree of ill temper remaining in his colony

colony of Massachusetts-Bay, on that point should be so improperly agitated, as to tend to the revival of disputes which every friend to America must wish to be forgotten. They have seen the parliament of Great-Britain give due attention to all well-founded complaints of the provinces, notwithstanding they appeared to them in some parts not so properly urged, and though the legislature will certainly, on all just occasions, exercise and enforce its legislative power over the colonies, yet it cannot be doubted but it will exert it with a due regard to the nature of their connection with the mother-country.

Upon this occasion it is proper to observe in general, that the ease and honor of his Majesty's government in America will greatly depend on the temper and wisdom of those who are intrusted with the administration there, and that they ought to be persons disdaining narrow views, private combinations, and partial attachments. It is with great pleasure, Sir, that I have observed the manner in which you have conducted yourself during the disputes of the last year, which I cannot do without highly approving your attention and watchfulness on the one hand to support the authority of government, and on the other, the tenderness and affection which appeared in all your letters towards the people under your government.—A temperate conduct, founded on the true basis of public good, avoiding all unnecessary reserve where nothing arbitrary is thought of, and nothing unreasonable required, must carry conviction to the hearts of the deluded, conciliate the minds of all, and insure the confidence of his Majesty's loyal and loving subjects of America.

Upon these considerations I am persuaded that the assembly will immediately, upon their meeting, fall into measures to terminate all local difficulties, which appear by your accounts to have hitherto prevented that

compliance which will be expected by parliament, with the recommendations you have been required to make, in consequence of the resolutions of both houses.—It is impossible to conceive, that they will suffer any private considerations to interfere with their desire of shewing a proper sense of that paternal regard which they have experienced from his Majesty, and that attention which parliament has given to their complaints, which can never be done with more propriety than by grantings, with the utmost cheerfulness, a just compensation to those who have suffered by the late disorders.

I am, &c. SHELburne.

Extract of a Letter from Lieutenant Governor Bull to Mr. Secretary Conway.

[Received June 30.]

Charles-Town, May 9, 1766.

S I R,

By the Hillsborough Packet on the 15th of last month, I received the honour of your letter (a duplicate, the original never having reached me) dated the 24th of October, 1765, signifying his Majesty's pleasure in regard to the suppression of riots in this province, and it is with no small satisfaction I reflect that my behaviour in that delicate conjuncture has been regulated in the same manner which his Majesty has graciously thought fit to command his governors to observe.

I am to acquaint you, Sir, that within these two days we have received accounts from various parts that the stamp-act is certainly repealed, which are attended with circumstances that leave no room to doubt the truth thereof. The joy of the people on this occasion was demonstrated by running almost to excess, at the thoughts of being relieved, not only from the distress which the present stagnation of business had brought on them, but also from the apprehensions of having further burthens laid upon them; and, although I expect the arrival of Lord Charles

Charles Montague, our governor, every day, the irksomeness of the late restraint renders the people so impatient of waiting for any further confirmation of this agreeable news, that as the repeal operates from the day the king gives his royal assent to the bill, all the usual channels of business are now opened, and with them a prospect of good order, tranquillity, and prosperity through the province.

*Governor Sir Henry Moore's Letter to
Mr. Secretary Conway.
[Received July 6, by Major-General
Burton.]*

*Fort-George, New-York,
May 27, 1766.*

S I R,
I had the honor of receiving your letters by the hands of Major James, and at the same time dispatches for the rest of his Majesty's governors, all which were forwarded to them within a few hours after they were landed. As the general assembly of this province will meet in a few days, I shall then have an opportunity of seeing what impression has been made on their minds by the signal favours already conferred on them by his Majesty and his parliament, and what returns of gratitude they are inclined to make. Nothing, on my part, shall be wanting to bring back to their duty those who have been imposed on and misled, and I shall, in the strongest manner, recommend to the assembly the case of those persons who were sufferers in the late commotions, that they may have a full compensation made to them for the losses they sustained, by the hasty and ill-timed proceedings of the populace.

I have the honor to be, &c.

H. MOORE.

*Governor Sir Henry Moore's Letter.
[Received the 25th of July.]*

Fort-George, New-York,

S I R, *June 20, 1766.*

The packet having suffered so much in her last voyage as to stand

in need of some considerable reparations before she could venture to sea again, I am enabled, by the delay which this misfortune has occasioned, to transmit to you some accounts of our proceedings here, since I had the honor of your letter, notifying the repeal of the stamp-act. The general assembly having desired, at the close of the last session, to sit again in the spring for the dispatch of some business, their meeting was put off, by different prorogations, till the 11th day of this month, and I have here inclosed my speech at the opening of the session, and the addresses of the council and assembly; From the general satisfaction which was expressed here by all ranks and degrees of people, I had all the reason to expect, that the earliest opportunity would have been taken to shew their gratitude for such signal favours received; you may then easily judge, Sir, how much I was surprized to find myself disappointed in my expectations; for, upon General Gage's application to me for bedding, utensils, &c. agreeable to the act of parliament for his Majesty's troops then under orders of march for this city, the consideration of the message I sent was postponed till after the arrival of the troops; by which they were put to very great inconveniences, and afterwards such resolutions were entered into that appeared to me as evasive as they were unexpected. After informing the general with what had passed, I sent a second message, which was ordered in such a manner as to require a categorical answer, which laid them under some difficulties; for, although it appeared plainly, that they did not choose to shew that obedience which was due to an act of parliament, it was as evident that they were too apprehensive of the ill consequences which would attend their refusing to comply with it. They have now ordered a bill to be brought in, for providing barracks, fire-wood, candles,

dies, bedding, and utensils for the kitchen as demanded, but the articles of salt, vinegar, and cyder or beer, are not to be included in the bill, being furnished with this pretence to leave them out, that they are not provided in Europe for his Majesty's troops which are in barracks; and, as the General is satisfied that nothing more can be obtained at this time, I hope that I shall be thought to act for his Majesty's service in passing the bill in its present state, for the difficulties which would arise in the other colonies upon a like application from their governors, may by this step be obviated, as I am persuaded, from what I have seen, that the example of this province, in making the provision required, will have a greater influence on the proceedings of the others than any other motive whatsoever, and it will appear on the minutes of the assembly, that I made the same demand during their last session, without being able to obtain the smallest sum for that purpose. This, Sir, is a bare relation of what has passed here, without aggravating or extenuating any one circumstance, and as matters of fact speak best for themselves, I thought it proper to lay the whole of this proceeding before you, as it will, at one view, shew the deference here paid to acts of parliament, and what may be our expectations on a future occasion; you will be pleased to observe, that my message is treated merely as a requisition made here, and that they have carefully avoided the least mention of the act on which it is founded, and it is my opinion, that every act of parliament, when not backed by a sufficient power to enforce it, will meet with the same fate here. I am, &c.

To the Right Hon.

H. MOORE.

H. S. Conway.

The Speech of his Excellency Sir Henry Moore, Bart. Captain-General and

Governor in Chief, in and over the Province of New-York, and the Territories depending thereon in America, Vice-Admiral and Chancellor of the same.

To the Council and General Assembly of the said Province.

Gentlemen of the Council, and Gentlemen of the General Assembly,

The general satisfaction which has been diffused throughout the colonies on the late favourable proceedings of the parliament of Great-Britain in the repeal of the stamp-act, and the impression made on the minds of the people on receiving such distinguishing marks of his Majesty's favour and protection, have induced me to give you the earliest opportunity of making those acknowledgements of duty and submission, which on such an occasion must arise in the breast of every individual. The misrepresentations heretofore made by artful and designing persons, have had their effect in imposing on the weak and credulous, and false hopes and fears are now conceived by those, who, from their situation, can only see and hear at a distance, and of course are easily imposed on. Let it be your concern to undeceive the deluded, and, by the powerful examples of your own conduct, bring back to a sense of their duty, those who have been misled, that nothing which can carry with it the least resemblance of former heat and prejudice may be suffered to prevail, and the minds of those who are too easily agitated, be disposed to a cheerful obedience to the laws, and to sentiments of respectful gratitude to the mother-country.

Gentlemen of the General Assembly,

I must at this time recommend to your particular attention the case of those unfortunate persons, who from the licentiousness of the populace have suffered for their deference to the acts of the British legislature: I flatter myself, that they who sue to this house for justice will never sue in vain,

vain, and that it will be no ungrateful task for this province to take the lead on such an occasion, and, by making a full and ample compensation to the sufferers for their goods and effects destroyed, shew to the neighbouring provinces, by an example great as well as just, the sense which is here entertained of the benefits lately received. The resolutions of the House of Commons have, by his Majesty's commands, been transmitted to me, in order to be laid before you: these sufficiently shew the sense of that august assembly on this point, whose sentiments it should be your glory to adopt and imitate, as they are so evidently founded on the clearest principles of humanity and justice. This carries its own recommendation with it, and makes it needless for me to enforce by arguments, a measure, which at the same time it will do honour to the province, will shew yourselves not unworthy of that royal condescension and protection which have been manifested on the late interesting occasion.

Gentlemen of the Council, and Gentlemen of the General Assembly,

I have nothing more in particular to lay before you at this juncture, and shall be extremely happy to shew my ready concurrence with you in promoting every measure which can tend to the service of his Majesty, and the welfare of the people.

New-York,

H. MOORE.

June 12, 1766.

To his Excellency Sir Henry Moore, Bart. Captain-General and Governor in Chief in and over the Province of New-York, and the Territories depending in America, Chancellor and Vice-Admiral of the same.

The humble Address of the Council of the Province of New-York.

May it please your Excellency,

The council, impressed with the warmest sentiments of duty and gratitude to his Majesty, for the late

most distinguishing mark of royal favour and protection, and filled with the highest sense of the great wisdom, justice and moderation, manifested in the proceedings of that august body the British parliament, return your Excellency their unfeigned thanks for this early communication of an event so ardently hoped for, and so highly satisfactory to these colonies.

To undeceive the deluded, and to bring back to a sense of their duty the misguided and prejudiced, have been the fixed objects of our attention, sensible that where submission to the laws is wanting, anarchy and confusion must ensue: evils the most to be dreaded, as they are the most pernicious to society. And you may be assured, Sir, that nothing shall be wanting on our part to inculcate in the minds of the people, a thorough sense of the obedience they owe, the dependence they stand in, and the benefits they receive from their most gracious sovereign, and their guardians the British parliament, confident that the colonies in general, will, by their conduct, shew themselves deserving of every mark of royal favour and indulgence.

We shall, at all times, cheerfully and readily concur with your Excellency in promoting every measure which can tend to the service of his Majesty, and the happiness and prosperity of the colony. By order of the council,

New-York, DANIEL HORSMANN, June 14, 1766. Speaker.

To which his Excellency was pleased to return the following answer.

Gentlemen,

I return you many thanks for this address, as the sentiments you express therein must so manifestly tend to the establishment of the happiness and prosperity of your country.

Fort George, New-York,

June 16, 1766.

Address of the House of Assembly of New-York.

To his Excellency Sir Henry Moore, Baronet, Captain-General and Governor in Chief, in and over the Colony of New-York, and the Territories depending thereon in America, Chancellor and Vice-Admiral of the same.

The humble Address of the General Assembly of the said Colony.

May it please your Excellency,

We his Majesty's most dutiful and loyal subjects the general assembly of the colony of New-York, return your Excellency our hearty thanks for your speech.

The recent instance of his Majesty's tender concern for the rights and liberties of his American subjects, and the signal proof of the justice and impartiality of the British parliament, in the repeal of the stamp-act, will, we doubt not, add new ardour to their affection for his sacred person and government, and augment their esteem and veneration for his august parliament.

And as we conceive it our honor and happiness to participate in, and to the utmost of our power to promote and inculcate the warmest gratitude for every instance of moderation and justice in the grand legislature of the nation, so we shall neglect no opportunity to discountenance and suppress every misrepresentation tending to extinguish or abate such becoming sentiments, and to promote by our influence and example, a cheerful obedience to the laws, and a respectful conduct to the mother-country.

The resolutions of the honourable house of commons respecting the sufferers in the late commotions, we shall consider with all the deference due to the sentiments of that illustrious assembly, and we return your Excellency our hearty thanks for your assurance of your ready concurrence in promoting every

measure which may tend to the service of his Majesty, and the welfare of the people. By order of the general assembly,

*Assembly-Chamber, W. NICOLL, Sp^r.
City of New-York, June 16, 1766.*

To which his Excellency was pleased to return the following answer.

Gentlemen of the General Assembly,
I return you my thanks for this address. It is hoped from the sentiments you entertain of the benefits lately received, that those who have at heart the prosperity of their country, will not neglect to favourable an opportunity of distinguishing themselves as that which now offers, by promoting whatever may be necessary towards the settling on a lasting foundation, the mutual interests of Great-Britain and her colonies.

Copies of Sir Henry Moore's two Messages to the House of Assembly of New-York, and the Answers, in his Letter of June 20, 1766.

Copy of Sir Henry Moore's first Message to the House of Assembly,

June 13, 1766.

A return of his Majesty's forces under orders of march for this city, having been sent to me by his Excellency General Gage, I take the earliest opportunity of laying it before you, and hope you will give the necessary directions, that sufficient quarters, bedding, utensils, &c. may be provided for the reception of the officers and soldiers specified in the said return, agreeable to the act of parliament.

Answer of the House of Assembly to the above Message.

*Assembly-Chamber, City of New-York,
Die Jovis, 9 h. A. M. the 19th
of June, 1766.*

The house, according to order, resolved itself into a committee of the whole house upon his Excellency's message of the 13th instant, recommending the making provision for quarters,

quarters, bedding, utensils, &c. for a number of troops mentioned in a return accompanying the said message; after some time spent in considering the same, Mr. Speaker resumed the chair, and Mr. Philip Livingston reported the resolutions of the committee, which he read in his place, and afterwards delivered it at the table, where the same was again read, and are as follow; viz.

Resolved, That it is the opinion of this committee, that the general assembly of this colony have always been ready and willing to comply with every requisition made to them by order and for the service of his Majesty, nor can they recollect one single instance wherein they have withheld the aid requested.

Resolved, That it is the opinion of this committee, that the requisition now made by the above-mentioned message, is of such a nature and tendency, that should it be granted, the expence might, and probably would, very soon exceed the ability of this colony to pay, as the number of troops that may from time to time require the like provision, are to this committee entirely unknown, and the articles required for the greatest part, as this committee is informed, unprecedented.

Resolved, That it is the opinion of this committee, that the requisition now made will amount at least to three-pence per day for each private man, exclusive of beds and bedding.

Resolved, That it is the opinion of this committee, that the house, upon a proper requisition from the crown for that purpose, should be at the expence of furnishing barracks, bedding, utensils for dressing victuals, and firewood, and candles, for a proportionate part of the troops with the rest of the colonies, which the committee conceives is as much as can reasonably be expected.

Resolved, That it is the opinion of this committee, that his Majesty's

service cannot in the least suffer by the non-compliance of the house with this requisition, because the troops have hitherto subsisted very well without any such provision, and if that was not the case, a sum of money to the amount of £.3990, is now remaining in the treasury of this colony, subject to the order of the commander in chief of his Majesty's troops in North-America, which he may apply for the service of his Majesty's forces, as he thinks proper.

And the said resolutions having been read a second time:

Resolved, That the house do agree with the committee in the foregoing resolutions.

Ordered, That Mr. Thomas and Colonel Livingston wait upon his Excellency with the foregoing resolutions. By order of the general assembly, ABRAHAM LOTT, Clerk.

Copy of Sir Henry Moore's second Message to the House of Assembly,

June 20, 1766.

A copy of the resolutions of the house of assembly, in answer to my message of the 13th instant, recommending the making provision for quarters, bedding, utensils, &c. for his Majesty's troops then under orders of march for this city, having been sent to his Excellency the general, I yesterday evening received a letter from him, of which the following is an extract.

"The sum of 3990 pounds, which the house mentions to be remaining in the treasury of this colony, subject to the order of the commander in chief of his Majesty's forces in North-America, I understand was left there by Sir Jeffery Amherst, to be returned to the province, as the service of the public did not require it to be drawn. If the house means that sum as a fund to be appropriated to the use of quartering his Majesty's forces, it will certainly answer as well as any other fund they might appropriate to that use,

use, as far as it will go. But I should be glad to be informed, whether it is the intent and meaning of the house of assembly, that the commander in chief of his Majesty's forces should draw for the above sum of £.3990, or such parts thereof as there may be occasion for, to indemnify the magistrates for the expences they may incur in quartering his Majesty's troops, according to the act of parliament passed the last sessions of parliament for quartering his Majesty's forces in North-America."

As by this extract it appears that a farther explication is required of that paragraph in the message of yesterday relative to the sum of money therein mentioned to be lying in the treasury, and at the disposal of the commander in chief of his Majesty's troops. The house of assembly is desired to inform me, on what conditions the general is to draw for that money, and whether he is to take it on the terms mentioned in his letter or not, that no time may be lost in furnishing the necessaries for the troops.

Answer to Sir Henry Moore's second Message to the House of Assembly, on the 20th of June, 1766.

Die Luna, 3^d. P. M. the 23^d of June, 1766.

The house, according to order, resolved itself into a committee of the whole house upon his Excellency's message of the 20th instant, relating to the quartering of his Majesty's forces in this colony. After some time spent therein, Mr. Speaker resumed the chair, and Mr. Philip Livingston reported the resolutions of the committee, which he read in his place, and afterwards delivered in at the table, where the same were again read, and agreed to by the house, and are as follow; viz.

Resolved, That it is the opinion of this committee, that it is impossible for the general assembly, in justice to their constituents, to raise or appro-

priate any fund for furnishing his Majesty's forces in the manner required by his Excellency, for the reasons given in the resolutions of the house of the 10th instant. But, as the general assembly have always been ready to promote his Majesty's service as far as they were able, consistent with their duty to, and a due regard for the interest of their constituents, the committee are of opinion, that provision should be made for furnishing the barracks in the cities of New York and Albany, with beds, bedding, fire-wood, candles, and utensils for dressing of victuals for two battalions, not exceeding five hundred men each, and one company of artillery for one year.

Resolved, That the expences to accrue by virtue of the foregoing resolutions, be made payable out of the money now remaining in the treasury, by virtue of an act passed the 20th of March, 1762, intituled, "An Act, directing the treasurer of this colony to pay the commander in chief of all his Majesty's forces in North-America the sum of £.4790 for his Majesty's service, to be repaid when his Majesty shall think proper."

Ordered, That a bill be brought in pursuant to the said resolutions, and that Mr. Philip Livingston and Mr. Douw prepare and bring in the same.

Ordered, That Colonel Livingston and Mr. Ten Brock wait upon his Excellency with the foregoing resolutions. By order of the general assembly,

ABRAHAM LOTT, Clerk.

Extract of a Letter from Lieutenant-Governor Colden to Mr. Secretary Conway.

[Received July 25.]

New-York, June 24, 1766.

The governor, in obedience to his Majesty's command, having laid before the assembly of this province the resolutions of the House of Commons of Great Britain, for the payment of losses

losses any person has sustained in the late riots for his deference to the acts of the British legislature; I sent in an account of things I had destroyed by the mob in the night of the first of November last, when they broke open my coach-house, and burnt my chariot, &c. The loss and value of the things lost were proved by my son's oath, amounting to the sum of one hundred and ninety-five pounds, three shillings. Major James had petitioned to have compensation for his losses sustained at that time, and his petition being referred to a committee of the whole house, my account was referred to the same committee, together with the accounts of some other persons who suffered at the same time by the mob. The method the assembly has taken of refusing any compensation to me, is by the committees passing my demand over in silence, and reporting in favour of the others, and I am assured this is their resolution.

Governor Franklin's Letter to Mr. Secretary Conway.

[Received July 25.]

Perth Amboy, June 19, 1766.

S I R,

I had the honour of receiving your two letters of the 1st and 31st of March with the two acts of parliament, and the resolutions of the House of Commons, which were contained in the last. I immediately summoned the council and assembly to meet at this place, when I laid those papers before them, and recommended it to them to return their thanks and acknowledgments to his Majesty and his parliament, for their great goodness and condescension in relieving this country from the difficulties occasioned by the stamp-act. This they have unanimously agreed to do, and their addresses will, I believe, be transmitted to their agent in England by this opportunity, and I have reason to think that you will

find them filled with the warmest expressions of duty and gratitude. It gives me great pleasure, that I have been able, through all the late disturbances, to preserve the tranquillity of this province, notwithstanding the endeavours of some to stimulate the populace to such acts as have disgraced the colonies.

The wisdom of the present measures have already had the best effects in America, and afford the pleasing prospect of an uninterrupted harmony between the two countries.

The legislature is still sitting, and in all probability we shall have an amicable session; I send herewith a copy of my speech to the council and assembly on this occasion, and as soon as I can obtain a copy of their proceedings, I shall do myself the honour of transmitting it to you likewise. I am, &c.

*To the Right Hon. WM. FRANKLIN.
H. S. Conway.*

Extract of a Letter from Governor Bernard to Mr. Secretary Conway.

[Received August 2.]

Boston, June 29, 1766.

I had the honour to receive your letter of March 31st on the 31st of May, three days after the assembly was met at the usual time. I have been very desirous, that at the time I acknowledged this receipt, I should also inform you, that the assembly had complied with his Majesty's recommendation to indemnify the sufferers. But I am sorry to say, that after having waited a month for this purpose, and during that time have used all means in my power to prevail on them to give this proof of their gratitude and duty, I was obliged last evening to dismiss them, without their having done any thing towards indemnifying the sufferers, and without the least assurance that they ever intended to do it. I shall, with the first opportunity, give your honor an exact detail of this whole affair, setting

ting it in one view, and in a true light. At present I write only for a ship which is to sail to-morrow, and am obliged to be short in what I have to write to day.

Extract of a Letter from Lieutenant-Governor Fauquier to Mr. Secretary Conway. [Received August 17.]
Williamsburgh, Virginia,
June 27, 1766.

I have been honoured within these few days with your favour of the 31st of March, with the two acts of parliament and votes of the House of Commons, and with their duplicates. The unexampled favours the colonies have received from the indulgence of their mother-country, and the still further benefits you give them reason to hope for, surely demand the strongest returns of affection, duty and obedience, which it is in their power to give.

It shall be my part, by every means in my power, to endeavour to bring this about, and I shall obey his Majesty's commands in laying the whole before the assembly, and make use of such arguments and measures as shall appear to me most likely to produce this most salutary and most necessary effect, and I have the pleasure, at present, to think this is in some degree probable, though matters are not yet arrived at that maturity as to encourage me to give you any assurances of it.

I have been credibly informed, that there is a proposal now on foot to petition me to call the assembly sooner than I proposed to do, that they might have an early opportunity of testifying their gratitude by an address of loyalty, duty and obedience, with assurances of their heartily supporting his Majesty, and the honour and dignity of his crown, against the attacks of any of his enemies. To those who gave me this information, and were sent to feel my pulse, I gave for

answer, that could they insure the conduct of the house, that it would be as they gave me reason to hope it would, I should with the greatest pleasure give them the opportunity they desired, but that I must go upon sure ground; for, if the consequence of their meeting early should be different from our wishes, and any offensive or seditious resolutions should be entered into, I should only give them a liberty effectually to cut their own throats and lose every friend they now had, and that I had too great a regard for them to be instrumental in what I conceived might prove their destruction: They have undertaken to give me all the assurances I can require, if the petition should be presented.

Extract of a Letter from Major General Gage to Mr. Secretary Conway.
[Received August 25.]

New-York, July 15, 1766.

In my letter of the 24th of June, I had the honor to acquaint you that his Majesty's twenty-eight regiment, under the command of Major Browne, had been ordered into Dutchess county in this province, to assist the civil officers in putting the laws in execution, and to quell some dangerous riots. A small body of the light infantry company was fired upon by the rioters, and three of them wounded: they returned the fire, wounded some, pursued and dispersed the rest, notwithstanding their numbers. The disturbances had spread into the county of Albany, where a skirmish happened between the sheriff, with about two hundred followers, and a party of the rioters. Some few were killed and wounded on both sides, but the sheriff and his people were put to flight. A great many prisoners have been taken or delivered themselves up, and among them are several principals. After restoring tranquility to the country, the regiment came to this place, leaving

leaving a captain and fifty men to guard the gaols, and brought with them the principal ringleaders of the whole confederacy. The magistrates commend the regiment greatly, as well for their spirit and readiness in apprehending the rioters, as for their strictness of discipline, not having taken the least thing during their stay in the country, and even refusing to plunder the houses of some of the proclaimed rioters, though desired to do it.

The assembly of this province has passed a law to provide quarters, bedding, fuel and utensils, for two regiments and one company of artillery. There is now in this place the 28th and 46th regiments, the latter very weak, from some infirm and old men discharged, and a great number of soldiers whose times of service were expiring; and the 28th regiment will also be soon very much reduced in their numbers for the same reasons. Recruiting parties have been sent home from the 46th regiment, to endeavour to complete them; two companies of the royal regiment of artillery are incamped at the magazines, about four miles from the city, where they have a field train drawn out, and the men kept in constant practice in the exercise of the guns.

Governor Ward to Mr. Secretary Conway.

• [Received August 26.]

Newport, Rhode-Island,

S I R, *June 25, 1766.*

Having the honor of your Excellency's letter of the 31st of March last, inclosing a copy of the act of parliament, repealing the act of last session for granting certain stamp-duties in America, &c. I laid it, with the inclosed copies, before the general assembly, at their session on the 9th instant.

Upon this most happy occasion, the general assembly, with hearts deeply impressed with affection, loyalty,

and gratitude, unanimously resolved upon the inclosed humble address of thanks to his Majesty, in which I most sincerely concurred, and I beg leave to request your Excellency to do the colony the honor to present it to our most gracious sovereign.

Your Excellency is also pleased to inform us, that a revision of the American trade laws is going to be the immediate object of parliament, and that every relief which the state of our circumstances demands, or admits, will be afforded us. This fresh instance of the kind, and indulgent disposition of the British legislature, is universally acknowledged with the most sincere and respectful gratitude. And as nothing is more certain, than that the profits of the trade of the colonies will ultimately center in Great-Britain, I have no doubt but such regulations will have the most happy effect upon the commerce and manufactures of the mother country.

The wise, upright, and benevolent measures of the legislature, in the present session, have suppressed every appearance of murmuring and dissatisfaction, and diffused joy, tranquility and happiness throughout the colonies, and I can assure your Excellency, that the most dutiful, affectionate and grateful returns will be made by them, and that they are so firmly attached to their sovereign and to the British constitution, and are so truly sensible of the parental goodness of the mother-country, that they may rely upon every possible convenience and advantage from them, and I cannot but promise myself, that such measures will continue to be pursued, as will so entirely conciliate the affections both of his Majesty's European and American subjects, that the only future contention between them will be, which shall most effectually promote his Majesty's service, and the interests of all his widely extended dominions.

In your Excellency's letter, the making compensation to such persons as have suffered in this colony from the madness of the people, is warmly recommended, upon which I can at present only say, that if any application of that kind should be made to the assembly, I doubt not but they will take it into serious consideration, and that your Excellency may be assured of my utmost attention effectually to secure such persons from any future insult; and, that as far as my example and influence may extend, they shall receive all proper respect and regard.

Before I conclude, I must beg leave to congratulate your Excellency upon the happy success of his Majesty's councils. The nation has been often blessed with a wise and upright administration, but to relieve several millions of his Majesty's faithful subjects, plunged in the deepest anxiety, distress and confusion, and to restore them to their former tranquillity, security and happiness, was an honor reserved for the present ministry. I have the honor to be, &c.

To the Right Hon. SAMUEL WARD.
H. S. Conway.

Extract of a Letter from Governor Bernard to Mr. Secretary Conway.

[Received September 3.]

Boston, July 19, 1766.

In my letter of June 29, I informed your honor that I would give you an exact detail of the proceedings of the house of representatives, upon the indemnification of the sufferers by the riots at Boston, setting it in one view and in a true light. For this purpose I have caused all the proceedings of the governor, council, and house of representatives to be printed together, and I have added annotations of my own upon particular passages, which will be more easily made use of than if they were dispersed in a long letter. I must desire that I may have special instructions how to conduct myself in

the further prosecution of this affair, especially if it should be thought proper to call the assembly again to move this business unto them. In the mean time, if there should be any opening for me to expect that the house will act in a different manner, I shall not fail to avail myself of it.

Copy of the Proceedings of the Governor, Council, and House of Representatives of Massachusetts Bay, on the Indemnification of the Sufferers by the Riots in Boston, from March 31, to June 28, 1766, in Governor Bernard's Letter of July 19, 1766.

March 31, 1766.

A few days after the meeting of a new assembly in May, 1766, his Excellency received a letter from Mr. Secretary Conway, dated St. James's, March 31, 1766, wherein he writes as follows:

"Nothing will tend more effectually to every conciliating purpose, and there is nothing therefore I have in command more earnestly to require of you, than that you should exert yourself in recommending it strongly to the assembly, that full and ample compensation be made to those who from the madness of the people, have suffered for their deference to acts of the British legislature. And you will be particularly attentive, that such persons be effectually secured from any further insult, and that as far as in you lies, you will take care, by your example and influence, that they may be treated with that respect to their persons, and that justice in regard to all their pretensions, which their merits and sufferings undoubtedly claim.

"The resolutions of the House of Commons, which by his Majesty's command I transmit to you, to lay before the assembly, will shew you the sense of that house on those points, and I am persuaded it will, as it most certainly ought, be the glory of that assembly to adopt and imitate those sentiments of the British parliament, founded

founded on the clearest principles of humanity and justice."

The resolutions of the House of Commons relating to this business, are as follows:

Resolved, That it is the opinion of this committee, that such persons who on account of the desire which they have manifested, to comply with, or to assist in carrying into execution any acts of the legislature of Great-Britain relating to the British colonies in North-America, have suffered any injury or damage, ought to have full compensation made to them for the same, by the respective colonies in which such injuries or damages were sustained.

Resolved, That an humble address be presented to his Majesty, humbly to desire, that his Majesty will be graciously pleased to give directions that the said resolutions be transmitted to the Governors of his Majesty's colonies and plantations in America, to be by them communicated to the assemblies of their respective governments.

On the 3d of June his Excellency made a speech to the two houses upon the subject matter of Mr. Secretary Conway's letter, and having communicated to them the said letter, together with the resolutions of the House of Commons, he observes therefrom as follows: viz

"I am also ordered to recommend to you, that full and ample compensation be made to the late sufferers by the madness of the people, and for that purpose I am directed to lay before you the votes of the House of Commons, expressing their sense upon that subject, whose humanity and justice it is hoped it will be your glory to imitate.

Gentlemen of the House of Representatives.

"The requisition contained in this letter is of a most singular nature, and the only one of the kind that I have known since I have served his Ma-

jefty in America. It is founded upon a resolution of the House of Commons, formed after a full consideration of the matter, and represented to his Majesty by the address of that house. The justice and humanity of this requisition is so forceable, that it cannot be controverted; the authority with which it is introduced, should preclude all dispute about complying with it. I hope, therefore, you will add to the merit of your compliance, by the readiness of it, and assume to yourselves the honor which now offers itself, of setting the first example of gratitude and dutiful affection to the King and parliament, by giving those proofs of it which are now pointed out to you. I must observe, that it is from the provincial assembly, that the King and parliament expect this compensation should be made to the sufferers, without referring them to any other person whatsoever. Who ought finally to be charged with this expence may be a proper consideration for you, and I shall readily concur with you in your resolutions thereon, after the sufferers have been fully satisfied."

The House of Representatives, in a message, in answer to this speech, say upon this head:

"The recommendation enjoined by Mr. Secretary Conway's letter, and in consequence thereof made to us, we shall embrace the first convenient authority to consider and act upon: In the mean time, cannot (*A. p. 106.*) but observe, that it is conceived in much higher and stronger terms in the speech than in the letter. Whether in thus exceeding, your Excellency speaks by your own authority, or a higher, is not with us to determine. However, if this recommendation, which your Excellency terms a requisition, be founded on so much justice and humanity, that it cannot be controverted. If the authority with which it is introduced should preclude all dispute about complying with it.

it, we should be glad to know what freedom we have in the case.

On the 25th of June, the House resuming the further consideration of this matter, sent the following message to the Governor :

May it please your Excellency,

The House of Representatives have duly attended to that part of your Excellency's speech which had reference to a full and ample compensation to be made to the sufferers in the late disturbances.

We are sensibly affected with the loss they have sustained, and have the greatest abhorrence of the madness and barbarity of those persons, who were the instruments of their sufferings—Nothing shall be omitted by us in our department to bring the perpetrators of so horrid a fact to exemplary justice, and if it be in their power, to a pecuniary restitution of all damages.

But may it please your Excellency, as a compliance with your Excellency's recommendation to the provincial assembly to make up these losses, *appears to this house not as an act of justice, but rather of generosity* (B. p. 106.); they are in doubt, whether they have any authority to make their constituents chargeable with it, without their express consent. The house, therefore, beg leave to acquaint your Excellency that they have thought it their duty to refer the consideration of *this matter to the next sitting of the general court*, (C. p. 107.) that the members may have the opportunity of taking the minds and instruction of the several towns thereupon.

On the 27th of June the Governor sent the following message to the House of Representatives :

Gentlemen of the House of Representatives.

As your reasons for not complying at present with what has been recommended to you by order of the King with the advice of his parliament, on the behalf of the sufferers in the late

disturbances, will probably be canvassed with great precision, it will be proper that the intendment of them should be as certain as may be. I should, therefore, be glad to know whether I must understand from your message of yesterday, that it is your opinion, that a detection of the perpetrators of the late mischiefs is necessary to intitle the sufferers to a compensation for their losses.

It appears to be the gracious intention of the King and parliament, that a veil should be cast over the late disturbances, provided it be covered by a general and uniform dutiful behaviour for the future; but it is certainly no less their firm and resolute purpose, that the sufferers by these disturbances shall have a full and ample indemnification made to them : And this business has been committed to you upon principles of humanity and justice, rather than of meer generosity.

If you think that an inquiry into the promotion and perpetration of the late disorders, is a necessary preliminary to determine from whence the charge of the compensation shall finally come, and shall pronounce for the expediency of such an enquiry, you will certainly be assisted by the Governor and council in the prosecution of it, and I dare say it will be no difficult work to trace this matter to the bottom.

But in the mean time I fear the King and parliament will think their intimations disregarded, by your proposing an enquiry now, after it has been neglected for nine months past; during all which time, the house have had this very business of indemnification under their consideration. They expect from you, that the sufferers shall be indemnified at all events, whether the offenders are discovered or not, or whether they are able to pay the damages or not, and seem to be more intent upon indemnification than punishment.

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I there.

I therefore wish, for the sake of the province, whose interests, and especially those of its trade, are now in a very nice balance, and for the sake of this town, whose respectable inhabitants have already suffered much in the opinion of the world, for having been tame spectators of the violences committed in it, that you would remove this disgrace without the least delay, by ordering the indemnification immediately to be made upon the credit of those, whom you shall hereafter judge to be chargeable with it—When this is done, there can be no objection to your postponing the consideration on whom this money ought ultimately to be laid, to what time you please, and there is no doubt but that any enquiry which you shall think fit to make for this purpose, will be as efficacious as you can desire. (D. p. 107.)

Upon which the house the next day presented to his Excellency the following address:

May it please your Excellency,

The house have duly attended to your Excellency's message of the 27th instant. We are fully sensible of the goodness of the King and parliament, and agree with your Excellency, that it appears to be their gracious intention that a veil should be drawn over the late disturbances, and we hope our behaviour will always be such as to merit their approbation. Sir, the house are ever attentive to the applications of persons of every rank whose case justly claims their consideration: (E. p. 108.) *But as the sufferers, whom we apprehend your Excellency refers to, have never applied to this house (as we conceive) in a parliamentary way for relief, we are humbly of opinion, that we have done all at present that our most gracious sovereign and his parliament can reasonably expect from us. But to shew our regard to every thing recommended to the King and parliament, we have appointed a committee to sit in the recess of the court, to make a thorough enquiry into the riots*

committed in the month of August last, and discover the persons concerned therein, as far as may be, for the effectuating which business, we doubt not but we shall be aided by your Excellency and his Majesty's council.

And further, we would acquaint your Excellency, that the house have passed a resolve to take the report of this committee under consideration at the beginning of the next sessions of this court, and act thereon what shall appear to them to be just and reasonable.

Your Excellency is pleased to enforce the immediate compliance of the house with this requisition, by an argument drawn from a regard to the town of Boston, the reputation of whose inhabitants your Excellency says, has already suffered much, for having been tame spectators of the violences committed, and that this disgrace would be removed thereby. We see no reason, why the reputation of that town should suffer in the opinion of any one, from all the evidence that has fallen under the observation of the house; nor does it appear to us, how a compliance would remove such disgrace, if that town had been so unhappy as to have fallen under it.

Governor Bernard's Observations on the Proceedings for the Indemnification of the Sufferers in the Riots at Boston.—In his Letter of the 19th of July.

(A. p. 104.) He had been long used to term the commands of the King, requisitions, and they have been frequently so called by the assembly, he therefore could not use a lower expression of a command of the King's, preceded by the advice of his parliament, therefore the Governor calls it a requisition of a singular nature, and says, that the authority of it ought to preclude all disputation.

(B. p. 105.) The dispute concerning the indemnification being an act of justice, runs through the whole proceedings.

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It has been before shewed, in support of the governors using that expression, how it is an act of justice, since that the House of Commons have declared that the sufferers *ought to have full compensation made to them*; terms very expressive of its being an act of justice; and the secretary of state, writing by the command of the King, pursuant to the address of the House of Commons, expressly says, that the sentiments of the parliament are founded *on the clearest principles of humanity and justice*. If the indemnification is to be considered as an act of justice, it ought to come from the town of Boston; if it is to be paid by the province at large, it will be an act of generosity, that is to the town of Boston, from whom it is in justice due. The people throughout the country, expect that it shall be paid by Boston only. The representatives of Boston have power enough to prevent its being charged upon Boston, but not power enough to engage the house to charge the province with it. And hence it is, that they are obliged to postpone this business, in hopes, some time or other, to prevail upon the house to charge this loss upon the province, and exempt the town of Boston from it, and so it is, that this business is put off to latter Lammas.

(C. p. 105.) Between the foregoing message and the following answer to it, there passed a transaction which is proper to mention here. The house sent a message to the Governor verbally by a committee, to desire that he would acquaint the house with the informations he had received of the persons concerned in the riots at Boston; the Governor answered, that all his informations had been communicated by private conversations, and in such a manner, that he could not make a public use of them at present; that he had never entered into a formal enquiry, nor ever examined a single witness, although he had had offers made him of some who

would voluntarily submit to his examination, but that he declined it at first, because the government could not support itself in such a business, and since, because it appeared to him; that the King and parliament did not desire such an enquiry should be made; that he much doubted the propriety of such an enquiry, now having learnt enough to foresee, that it would go too deep and spread too wide. But if the house should determine for such an enquiry, and should be in earnest in the prosecution of it, he should think it the duty of the Governor and council to assist them in it, but he very much recommended it to the house, not to make the indemnification dependant upon, or subject to the result of the enquiry.—If the house wants only to consult their constituents, they should fix upon a short day to return and desire the Governor to grant them an adjournment for that purpose, and time; but if they only postpone the consideration of it to next sessions, without giving any assurance of their intention to make an indemnification, or desiring a short day to determine upon it, it must be considered as a present refusal, and they must not expect that the Governor will move this business to them any more, without special orders for it.—This was reported to the house, and the deliberation turned upon the giving some assurance of their making an indemnification, when it was determined to avoid giving the least hint of a certain intention of making an indemnification.

(D. p. 106.) This is quite new: to examine the force of this plea, it will be necessary to review the proceedings on this subject from the beginning.

On the day after the ruin of the Lieutenant Governor's house, or rather on the same day, the Lieutenant Governor represented the affair to the Governor in council, who thereupon appointed a committee to estimate the

P. 2. damage;

damage; as his loss has been found to be above three-fourths of the whole, we may very well state the case upon his instance only. The Governor, by the advice of the council, summoned the assembly, and at the instance and on the behalf of the sufferers, recommended to the House of Representatives to make them a compensation. The house demurred upon it, but never once objected to the sufferers applying through the governor's mediation, rather than immediately to the house (E. p. 106.). In the next session, which began the middle of January, nothing was done for indemnifying the sufferers, and not one word of objection for the sufferers not having applied to the house immediately, appears to have been urged by the house, though that session lasted near two months. In the mean time the parliament got hold of this matter, whether by petition of the sufferers, or on their own motion, *ex debito iustitiæ*, does not appear. On the last day of May, being three days after the new assembly had met, the Governor received his orders from the secretary of state, and communicated them to the house on the 3d day of June. For three weeks after this matter was agitated, and there were three formal debates had upon it, and as many questions put: there were two several answers given to the governor, neither of which mentioned any objection arising from the sufferers not having petitioned the house, till after the Governor had sent his final message. This new difficulty is introduced on the last day of the session, nine months after the origination of this business, and above three weeks after it came recommended by his Majesty, at the desire of parliament, and upon the authority of this objection, the house declare that they have done all at present that the King and parliament can reasonably expect from them.

P. S. Since the writing the foregoing observations, a letter has been published in a Boston new-

paper, wherein the writer endeavours to shew, that the Governor's urging the recommendation with too great authority, was the cause of its not being complied with. Had they been disposed to have complied, they might have separated the resolutions of the House of Commons and the secretary of state's letter from the Governor's speech, and given him to understand, that it was the indulgence of the former, and not the authoritativeness of the latter, which induced them to comply with it. But the difficulty with which that business has hitherto laboured, and is ever like to labour, is, that the country thinks it most reasonable, that the charge should be borne by the town only, and the town is for singling it upon the province in general.

Extract of a Letter from Major General Gage to the Duke of Richmond.

[Received September 29.]

New-York, August 25, 1766.

The first battalion of the 60th, or royal American regiment, was ordered to Quebec, to replace the 28th regiment, and the second battalion of the 60th, marched into the interior country to relieve the posts there. The 28th and 46th regiments staid in the province, and one of them destined in a little time for the province of New Jersey; but the riots in Dutchess and Albany counties, occasioned their being detained in this province. The number proposed for this place, is to the amount of one regiment compleat, and a company of the royal regiment of artillery: But it is proper to acquaint your grace, that in my demand for quarters, it was necessary to manage matters so, that all the barracks here and at Albany, should be supplied with bedding and utensils, that the troops who shall march through this province, which is the route to and from

from the province of Quebec, as well as to and from the Upper Lakes, may be hereafter comfortably lodged, instead of lying on bare boards, which they have frequently done.

Copy of a Letter from Governor Pitkin to Mr. Secretary Conway.

[Received October 3.]

Hartford, Connecticut, August 4, 1766.

S I R,

I have the honour of your's of the 31st of March last, directed to the Governor and company of the colony of Connecticut, in which I have the honour at present to preside, and shall take the earliest opportunity to communicate that and the several copies of acts of parliament therewith, transmitted to the general assembly of the colony.

It is impossible to express or describe the incredible joy with which the people of this country, in general, as well as of this colony in particular, received the most agreeable news of the repeal of the stamp-act, and which they have expressed by every token of gladness that they could exhibit. All America have been waiting in the most anxious suspense for the decision of this great and most interesting affair, have esteemed it the very crisis of their fate, and are now full of the warmest gratitude for the grace and goodness manifested to them. The magnanimity, moderation and condescension, the wisdom, justice, and equity so signally displayed by his Majesty and parliament, in repealing this act, have filled us with the sincerest joy, and the warmest sentiments of the most respectful gratitude to his Majesty and the parliament, and will, without doubt, confirm us in the strongest dispositions to a steady affectionate loyalty to the King, and the tenderest affection to our mother country. I am perfectly sensible of the indissoluble union that there is between Great-Britain and

her colonies respecting their interests, and that whatever prejudices the one must necessarily injure the other, and therefore earnestly hope, that no symptoms of coldness or dissatisfaction on any ground whatever, will now appear on the part of any of the colonies, which may tend to interrupt that harmony so essential to the happiness and future interests of both countries. That nothing of so disagreeable a nature appears in this colony, I can with great pleasure assure you—every thing here wears the face of decent joy and humble gratitude. Nothing could add more to the great satisfaction we feel for the indulgence already shewn to us, than the assurance you are pleased to give us, that the American Trade laws are become the immediate object of parliament, and that with equal magnanimity, clemency, and justice, they are determined to give to the trade and interests of America, every relief which our real circumstances demand or admit. This will be wisely to perfect the good work so happily begun, and to establish the union and interests of Great Britain and America upon a basis that can never be shaken. The regulations upon the importation of foreign molasses and sugars, &c. are particularly grievous to this colony, whose trade consists chiefly of articles fit only for the West-India market. These regulations have, in fact, been a principal means of our poverty and inability to discharge our debts with the American trader and the British merchant; have really, in a manner, stagnated all business among us, and compelled the people, as far as possible, to desist from the purchase and consumption of British manufactures. An alteration of the laws, in this particular, would therefore give us a most sensible relief in our present situation, and be received with the greatest gratitude and satisfaction.

I am

I am particularly happy in being able to acquaint you that no violences or outrages upon private property have been committed in this colony, for which any compensation can be expected or required.

By desire of the general assembly (who were together when the intelligence of the repeal just arrived, but are now enjoying a recess), I have signed and transmitted an humble address to his Majesty, to express the sincere joy and gratitude of this corporation upon this occasion, which I humbly hope his Majesty, of his paternal goodness and condescension, will be graciously pleased to accept; and the colony will be greatly obliged to you for giving it a regular and favourable introduction to the throne.

I have it also in charge to assure you, that the colony has the deepest sense of gratitude to you, and all other of his Majesty's ministers, for the great and good part you have taken in this most important affair: The remembrance of your wise and admirable conduct upon this occasion, and of your tenderness and concern for the colonies, will continue here to the latest posterity, and your names be blessed by millions in every generation. I have the honour to be, with the greatest esteem and respect, Sir, your most obedient and most humble servant,

(Signed) WILLIAM PITKIN,
To the Right Hon. H. S. Conway,
one of his Majesty's Principal
Secretaries of State.

*Copy of a Letter from Governor Grant
to Mr. Secretary Conway.*

[Received October 24, 1766.]

St. Augustine, East-Florida, Au-
gust 21, 1766.

S I R,

I have had the honor to receive your letter of the 31st of March, with copies of two acts of parliament just passed; the first, for securing the just dependance of the colonies upon the

mother country; the second, for the repeal of the act of last session, granting certain stamp-duties in America, and you are pleased to mention; that you expect shortly to send me a third for the indemnity of such persons as have incurred the penalties imposed by the act just repealed, as such a bill was then depending, and had made a considerable progress in the House of Commons.

Though there never was any disturbance in this province on account of the stamp-act, yet every inhabitant rejoices at the repeal of it, and all of them must have the warmest and most grateful sense of his Majesty's paternal care of his colonies, and of the lenity and indulgence of parliament, and will not, I dare say, be wanting in a dutiful and affectionate return to such peculiar proofs of indulgence and affection on the part of his Majesty and his parliament. I am, &c.

JAMES GRANT.

*Copy of a Letter from Governor Tryon
to the Right Hon. H. S. Conway.*

[Received November 4.]

Brunswick, North-Carolina, Au-
gust 2, 1766.

S I R,

I had the honour of your letter of the 31st of March on the 13th of June: I got the council together the 28th of June, when I laid before them your letter, and the two acts of parliament inclosed: The one for securing the just dependency of the colony on the mother-country; the other for the repeal of the act, granting certain stamp-duties in America—as I had prorogued the general assembly to the 30th of next October before I had the honor of your dispatches, I consulted the council, if the service of his Majesty, or the circumstances of the country, required a more early meeting; they were unanimous in opinion, that considering the great heats of this season of the year, and the great scarcity of pro-

visions in the country, most of the members would be prevented from attending the assembly, if called earlier than it stood prorogued, and those who did attend, must suffer great prejudice by their absence from their plantations; and, as the country was in perfect tranquility, and the inhabitants returned to a cheerful obedience to the laws, they did not see his Majesty's service required a more early meeting of the assembly than the 30th of October.

I have the pleasure to inclose you, Sir, the address of the borough of Wilmington, on the subject of the repeal of the stamp-act, together with my answer; as also a letter subscribed by the mayor, and all the gentlemen of Wilmington, in consequence of my answer to their address—my reply has wound up all jealousies on both sides: I have reason to believe, that the sense of these people are the sentiments of the whole province, and that we shall meet at Newburn all in good humour. I am, &c.

WILLIAM TRYON.

Address of the Borough of Wilmington to Governor Tryon. With his Answer.

—In his Letter of August 2, 1766. North-Carolina,

To his Excellency William Tryon, Esq; Captain General, Governor, and Commander in Chief, in and over the Province of North-Carolina, &c. The Address of the Corporation of Wilmington.

S I R,

We, his Majesty's most dutiful and loyal subjects, the mayor, recorder, aldermen and freeholders of the borough of Wilmington, beg leave to congratulate your Excellency on the repeal of the American stamp-act, and on the happy prospect of the union and harmony thereby established between the colonies and their mother-country.

Permit us also to express our most grateful acknowledgements to the supreme legislature of Great-Britain,

for their care and attention in protecting the inhabitants of his Majesty's extensive American dominions in the enjoyment of that inestimable blessing, Liberty, and at the same time releasing them from a burden then they were unable to bear.

With hearts full of gratitude to the best of Kings, we assure your Excellency, that we shall be ready at all times to defend and protect his Majesty's person and government, and to evince our inviolable attachment to his illustrious house, at the risk of our lives and fortunes.

We cannot help expressing our concern at the many representations that have been made to your Excellency, of the transactions of the inhabitants of this borough, and several of the adjacent counties, since the time of the stamp-act taking place: Permit us to assure you, Sir, that it has ever been our constant endeavour, as far as our influence extended, to promote the ease and happiness of your Excellency's administration.

MOSES JOHN DE ROSSET, Mayor. Borough of Wilmington, June 26, 1766.

His Excellency's Answer.

To the Mayor, Recorder, Aldermen, and Freeholders of the Borough of Wilmington.

Gentlemen,

It is with satisfaction I receive your congratulations on the repeal of the act of parliament, granting certain stamp-duties in America.

The grateful acknowledgments you express to the supreme legislature of Great Britain, for their care and attention to the liberties of the inhabitants of his Majesty's American dominions, and also your affectionate and inviolable attachment to his Majesty's sacred person, family, and government, as they are extremely grateful to me, I shall, with a sensible pleasure, transmit those warm sentiments of respectful gratitude and duty to his Majesty's principal secretary of state.

I trust

I trust that the moderation and unparalleled lenity so remarkably manifested by his Majesty and the parliament to the colonies, will dispose the inhabitants to that cheerful obedience to the legislative authority of Great-Britain, on which their future prosperity so much depends; such a conduct will prove the strongest cement for the most firm and happy union between the mother country and her colonies.

I profess, gentlemen, I am at a loss to answer that part of your address, wherein you mention misrepresentations having been made to me of the conduct of the inhabitants of the borough of Wilmington. I declare what impressions I have conceived of them, arose from a behaviour that came immediately under my own observation.

Brunswick, June 26, 1766.

A true copy, taken from the original, this 2d of August, 1766.

FOUNT. ELWIN, Priv. Sec.

Address of the Mayor and Gentlemen of Wilmington to Governor Tryon. With his Answer.—In his Letter, Aug. 2. May it please your Excellency,

S I R,

It is with extreme concern we have observed in your Excellency's letter to the address of the corporation of Wilmington, expressions which may be construed to charge that borough with some marks of intentional disrespect towards your Excellency—a conduct from the consciousness of our hearts we can with the greatest justice disclaim, and which, from a love of order and a regard to decency, we should sincerely condemn, not only as inconsistent with that dutiful affection towards his Majesty's representative, which we shall always endeavour to cultivate, but with the grateful return of sentiment which your personal merit justly claims.

If oppressed by the late act, some commotions of the country seemed to threaten a departure from moderation, your Excellency, we hope, will not

impute these transactions to any other motive, than a conviction that moderation ceases to be a virtue, when the liberty of British subjects is in danger; but the greater the danger was, the more reason we have to applaud the honor and justice of the British parliament, whose prudent resolutions have relieved us from the melancholy dilemma to which we were almost reduced.

From his Majesty, whose heart ever rejoices in the happiness of his people, we most humbly and thankfully receive this mark of attention to the distresses of his American subjects, and shall always return his royal protection and regard, with all the affection and obedience of the most loyal subjects of a free kingdom, joined to that filial duty and constitutional connection on which our future happiness and existence entirely depends.

Amidst the variety of disagreeable events which the late commotions occasioned, we have with great indignation observed, in the Barbadoes Gazette of the 19th of April, a paragraph as void of decency as it is of truth, well assured, that your Excellency's conduct has been always regulated by no other motive than a generous concern for the public good, and that duty which you, Sir, and we all owe to a sovereign ever intent on the welfare of his people, supported by an ardent desire to promote the particular happiness of a province committed to your charge. We are, &c. (Signed by nineteen persons.)

July 28, 1766.

Brunswick, August 2; 1766.

Gentlemen,

As your letter of the 28th of last month has removed those aspersions I felt you had laid on my character in your address to me on the 26th of June, I am now willing to forget every impropriety of conduct any of the subscribers, and the town of Wilmington, have shewn personally towards me in the late commotions. I thank you, gentlemen, for the testimony

mony you give me of your approbation of my general conduct, but my acknowledgements are more expressly due for the justice you do me in such part of my conduct as has been translated by the Barbadoes Gazette of the 19th of April last. I am, &c.

WILLIAM TRYON.

*To Moses John De Rosset, Esq; Mayor,
and the Gentlemen of the Borough of
Wilmington.*

*Copy of a Letter from Horatio Sharpe,
Esq; Deputy Governor of Maryland,
to Mr. Secretary Conway.*

[Received November 7.]

Annapolis, June 27, 1766.

S I R,

Having lately had the satisfaction to receive the letter you was pleased to favour me with the 31st of March last, inclosing copies of the two acts of parliament which had then passed; one for securing the just dependency of the colonies on the mother country; the other for the repeal of the act, granting certain stamp-duties in America, I now do myself the honour to acknowledge my receipt thereof, and also of the copy therewith transmitted of the resolutions of the House of Commons, which, together with your letter, I shall lay before the assembly of this province as soon as they meet, which, however, cannot be before the end of the summer. As soon as copies of the two above-mentioned acts of parliament came to my hands, I caused them to be published, and had the satisfaction to hear and see that the inhabitants of this province in general were affected with a proper sense of the moderation, forbearance and lenity of the British parliament, lately manifested with respect to the colonies; and I flatter myself they are already disposed to pay the most cheerful obedience to the legislative authority of Great-Britain, and all the laws now existing. Tranquility and good order is now perfectly restored here, and the late distractions will, I

hope, soon be forgotten; the resentment some time ago expressed against the person that was appointed to distribute the stamp paper here, is entirely subsided, and he now resides and carries on business in this place to as great extent and advantage as he did before his appointment. Such a sudden alteration in the face of things, and in the behaviour of the people, encourages me to hope, that there is an end to all uneasiness, discontent and murmurings, and am inclined to think his Majesty's subjects within this province, will, for the future, be more studious than ever, to demonstrate to our most gracious sovereign their loyalty, duty and gratitude, and to the mother-country their thankfulness and affection. You may, Sir, be assured, that no endeavour of mine shall be wanting to infill and encourage such sentiments, and to effectuate what you are pleased to recommend. I am, &c.

HORATIO SHARPE.

*Governor Bernard's Letter to the Earl
of Shelburne.*

[Received December 29.]

Boston, November 14, 1766.

My Lord,

By my letter, dated July 19, I informed your lordship, that if there should be any opening for me to expect that the house would act in the business of the compensation, in a different manner from what they had done, I should not fail to avail myself of it. I am, therefore, now to inform your lordship of the second trial I have made for getting this business done, with the event of it, and, in order to explain these proceedings more fully, I must beg leave to delineate to your lordship the real difficulties which have prevented this business being done, as they appear very little in the journal of the house, and pains have been taken that they should not appear, although they are notorious

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notorious to every person in the province who thinks upon the subject.

The riotous proceedings at Boston were generally abhorred by the best men in the province, and by much the greater part of the common people, and therefore when a compensation to the sufferers was first talked of, it was the general opinion that it ought to be made, but that it was due from the town of Boston only, and not from the province in general. This opinion was very prevalent when Mr. Secretary Conway's letter, dated 31st of March arrived here on the last day of May; and this was the reason why the members for Boston, contrary to the real interest of the town, determined to oppose the making a compensation even out of the treasury. In which way, if they had at that time with their party joined the friends of government, it might have been done.—But they were apprehensive that if the money was ordered to be paid out of the treasury, it would be then moved that it should be charged upon the town of Boston, which, as the tax-bill was to be passed at that time, might have been done with the dash of a pen.—They therefore resolving to oppose the granting the compensation that session, turned the whole business into evasions and subtleties, to give pretended reasons for not complying, their end to conceal the true one.—The reasons given, were, first, that it was a business of too much importance to transact without consulting their constituents; secondly, that the sufferers had not applied to them in a parliamentary way, that is, by petitioning the house.

It was not long before they received repeated advices, that the general opinion in England was, that the honor of parliament was engaged to see the compensation made, and they would certainly take it up where the provincial assembly refused it. And it was very obvious, that the parliament might enforce the payment of

a sum of money from a sea-port town, or from a maritime province, without infringing any rule of right laid down by the most sanguine advocate for the colonies, or even claimed by themselves in form. The people of Boston therefore began to be uneasy, that this money was not paid—a town meeting was called, and instructions were given to their members, to use their utmost endeavours to get the money paid out of the treasury. This was a signal for me to call the assembly, which I had kept prorogued by short intervals, in order to take hold of the first fair opportunity that offered, and I accordingly gave notice that the assembly would meet at the time it was then prorogued to.

In the mean time, one of the pretences which had been made use of the last session, to excuse the granting the compensation, had an effect contrary to what was expected, or at least not foreseen. As the necessity of consulting their constituents had been made the pretence for postponing the business, the members in general found themselves obliged actually to consult their constituents in form, which they would not have done otherwise. This produced a number of instructions against paying the money out of the treasury, which prevailed very much among the representatives of towns, distinguished for their attachment to government, many of which were so positive against paying the money out of the treasury, that many members staid away to avoid appearing against government, and others were obliged to come fettered with instructions to act against it. Among these people, the general reasoning was, that as it was notorious that the disturbances arose entirely within the town of Boston, it was not only unjust that the whole province should be charged with the damages done by them, but if they were to consent to the payment out of the treasury, they should thereby acknowledge

ledge themselves to be partakers of proceedings, of which they had always expressed their detestation and abhorrence. This was urged particularly at the meeting at Salem, the second town in the province, and always noted for its attachment to government, which, however, its members were not allowed to support upon this occasion only.

Upon the meeting of the assembly, I determined to say nothing that could possibly be perverted, and in general to avoid interfering with the house in any manner: I accordingly made the speech which I herewith inclose, in full confidence that it could not receive a rude answer. I was soon informed, that a majority of the house had instructions against granting the compensation out of the treasury, the only method that could be proposed with any prospect of success. The grant was strongly urged by the members for Boston, in which they were supported by some of the ablest friends of government, and opposed by only one man of ability, who in that instance seemed to be infatuated. The argument was entirely on the side of the compensation, and was much assisted by the examination of some gentlemen from England, to shew the assurances which had been given by the friends of the colonies, that this compensation would be cheerfully made, and the almost certain probability that the parliament would not acquiesce in the refusal of it, but the bad weight of the instructions could not be got over, although there was a general conviction throughout the house, that the compensation ought to be made. I must again repeat, that the Boston members exerted themselves for the question in this session, as much as they did against it in the last, but they were defeated by their former machinations, otherwise I believe it would have been carried without a division.

After a litigation of a fortnight, in

which the question was put in different forms two or three several times, and lost by no great majority, this expedient was hit upon: That they should bring in a bill for compensating the sufferers, in which the sums should be ascertained (the misreport of which was supposed to have hurt the cause), and also for indemnifying the rioters, and that the bill should be printed for the consideration of the constituents, and the governor should be desired to grant a recess for that purpose—This passed with little or no opposition, and a bill was accordingly brought in and printed, and a message was sent to me accordingly—Two hours after this I received your lordship's letter: I immediately communicated it to both houses, and gave the house of representatives time to consider of it, which was only spent in fruitless altercations, without any attempt to resume the business: I therefore adjourned the general court for three weeks, being the earliest day I could appoint.—I inclose copies of the message to me, and my speech upon the adjournment.

After the adjournment had passed, and before I had left the chair, it was observed in the council, that the house had not ordered your lordship's letter to be printed, as it is usual to do in cases where such publication is like to facilitate the business recommended. It was therefore moved, that the governor be desired to order the letter to be printed, as it would tend very much to conciliate the minds of the people to the compensation, and to remove the ill-humour prevailing among them. This having the unanimous voice of the council, I assented to, being fully of the same opinion. I must beg your lordship will let the occasion apologize for my taking this liberty, if there should be an impropriety in it, which at present I do not see, as these kind of publications are not uncommon in this government. I am, &c.

FRANCIS BERNARD.

Q 2

The

The Speech of the Governor of Massachusetts Bay, October 29, 1766—

The Answer of the House, Nov. 12

—The Speech of the Governor, Nov.

13—In his Letter of the 14th of November, 1766.

His Excellency's Speech to both Houses of Assembly at the opening of the Session.

Gentlemen of the Council, and Gentlemen of the House of Representatives.

I have thought proper to call you together, that you may have an opportunity to give a positive answer to what I recommended to you by order of his Majesty last session, as it will be expected of me that it will be reported to his Majesty before the opening of the business of the next year, and I heartily wish that it may be such as will answer the expectations and desires of your friends in Great-Britain. For my own part, I shall, upon this occasion, as upon all others, make the best use of the means you shall put in my hands, to promote the honor and reputation of the province.

As you are called together for this business only, when it is finished, I shall have no objection to your returning home, until the usual time of opening the winter session.

Council-Chamber. FR. BERNARD.

The following is an answer of the Honourable House of Representatives to his Excellency the Governor's speech at the opening of the session.

May it please your Excellency,

Your speech to both houses at the opening of the present session, has been repeatedly under the most deliberate consideration of the house of representatives.

It was indeed, Sir, with great reluctance, that the house found themselves under the necessity of having recourse to your former speech and message upon this occasion, but as you are pleased to refer us to them, without saying any thing to qualify them, the house cannot help observing, that the manner in which

your Excellency has repeatedly proposed a compensation to the sufferers, has been derogatory to the honor of the house, and in breach of the privileges thereof:—that the terms you have made use of, have been essentially different from those dictated to you by his Majesty's express command, signified in a letter from his secretary of state—that they tended to weaken the inherent uncontrollable right of the people to dispose of their own money to such purposes as they shall judge expedient, and to no other: and that under these apprehensions, it is not improbable some of the towns may have framed their instructions to their representatives against a compensation out of the public treasury.

The house, however, with the most dutiful and profound respect, have attended to his Majesty's most gracious and mild recommendation, and observe, that it is his pious and benevolent intention, that not only a compensation should be made to the sufferers in the late times, but also that a veil be drawn over every disgraceful scene, and to forgive, and even to forget the undutiful behaviour of any of his subjects in those unhappy times.

Confirmed in the opinion that an indemnification of the offenders is of equal importance and necessity with the making compensation to the sufferers, and being ever ready with the utmost cheerfulness, to unite their endeavours, in promoting the wise and most gracious purposes of their rightful sovereign, in conformity to the spirit of Mr. Secretary Conway's letter, the house have framed a bill, intitled, "An Act for granting Compensation to the Sufferers, and general Pardon, Indemnity and Oblivion, to the Offenders in the late Times."

This bill they have ordered to be published for the consideration of the several towns, and humbly pray your Excellency

Excellency would please to give them a recess for that purpose.

His Excellency the Governor's speech at the adjournment of the court, Nov. 13, 1766

Gentlemen of the House of Representatives.

In the letter of the Earl of Shelburne, which I laid before you, you have a second testimony from another of his Majesty's secretaries of state, of the tenderness and affection towards the people under my government, with which I have conducted myself during the late disputes, and therefore, I shall make no other answer to the ungenerous insinuations in your message of yesterday, than by referring to your own journals, from whence it will evidently appear, that it is from among yourselves, and not from me, that the difficulties which have prevented your making a compensation to the sufferers have arose.

I am very sorry that you have not already complied with what has been recommended to you, but it is some satisfaction to me, that you have laid a foundation for completing this business, which I hope will not fail of success. The importance of the affair, and the hasty approach of the new year, will not allow the loss of a day which can be saved, and therefore I shall make the recess which you desire as short as possible; and that you may do the business with as much credit to yourselves as may be, I shall continue the session until you can come to a final determination.

Council-Chamber. FRA^s. BERNARD,

Copy of a Bill for granting Compensation to the Sufferers, &c.—In Governor Bernard's of the 14th of November, 1766.

The following bill now depending in the House of Representatives, is published by their orders, for the consideration of the several towns in this province.

A bill intituled, "An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity and Oblivion to the Offenders in the late Times."

Whereas the King's most Excellent Majesty taking into his gracious and serious consideration, the troubles, discords, insurrections, tumults, and riots which have lately happened in America, and that divers of his subjects have thereby suffered greatly in their property, and others by occasion thereof, and otherwise, have fallen into, and are obnoxious to great pains and penalties, out of a hearty and pious desire that such sufferers be compensated, and to put an end to all suits, controversies and prosecutions, that by occasion of the late distractions have arisen, or may arise between any of his Majesty's subjects, and to the intent that a veil be drawn over the late unhappy excesses, has been pleased graciously to signify his desire to forgive and forget them, at the same time of his abundant clemency, recommending a compensation to the sufferers in their property, with such a conduct in general, as shall be at this great crisis the best means of fixing the mutual interest and inclination of Great Britain and her colonies, on the most firm and solid foundation.

From a grateful sense of his Majesty's grace and clemency, in order to promote internal peace and safety, to make compensation to the said sufferers, and as a means, so far as in our power, of demonstrating to all the world, our sense of the happiness we enjoy, in being a part of the British empire, and intituled to the rights, liberties, and privileges of British subjects, we his Majesty's most dutiful and loyal subjects, the representatives of the commons in this province, in the great and general court assembled, of our free and good will, have resolved to give and grant, and pray that it be enacted.

And

And be it accordingly enacted, by the Governor, council, and house of representatives, that there be granted and paid out of the public treasury of this province, to the Hon. Thomas Hutchinson, Esq; the sum of £.3194 17s. 6d.

To the Hon. Andrew Oliver, Esq; the sum of £.172 4s.

To Benjamin Hallowell, jun. Esq; the sum of £.383 6s. 10d.

To William Story, Esq; the sum of £.67 8s. 10d. in full compensation for their losses and sufferings in the late times of confusion.

And be it further enacted, that all riots and unlawful assemblies, counselled, commanded, acted, done, or made within this province between the 1st day of August, 1765, and the 1st day of May, 1766; and all burglaries, felonies, and breaches of the peace whatsoever, committed in, by, or during such riots, routs, and unlawful assemblies, be, and hereby are pardoned, released, indemnified, discharged, and put in utter oblivion, and that all and every the person or persons, acting, advising, assisting, abetting and counselling, the same be, and are hereby pardoned, released, acquitted, indemnified and discharged from the same, and of, and from all pains of death, and other pains, judgments, indictments, convictions, penalties and forfeitures, theretofore had or given, or that might accrue for the same, and that all such indictments, convictions and forfeitures, are hereby declared null and void.

And be it further enacted, that any person indicted or presented, or in any manner prosecuted, or that shall or may be hereafter indicted, presented, or in any manner prosecuted, for any of the offences by this act pardoned, may plead the general issue, and give this act in evidence, which shall be sufficient to acquit him.

Provided that nothing in this act contained, shall extend to the pardoning, or give any benefit whatever

to any person who is, or may be unlawfully possessed of any goods or chattels, taken or stolen from any person, unless the possessor shall, within thirty days after the publication of this act, have surrendered and delivered them up to the owner.

Provided also, that nothing in this act shall extend to the barring any civil action of trespass for damages sustained by any person, not compensated by this act.

Extract of a Letter from Governor Ward to the Earl of Shelburne.

[Received January 21, 1767.]

Newport, Rhode-Island, Nov. 6, 1766.

The military stores and provisions furnished by the colonies in the year 1756 for the provincial troops, were by directions from the Earl of Loudon, commander in chief of his Majesty's forces in North-America, taken into the King's magazines, and the colonies were, on the behalf of the crown, promised payment for them. The other colonies, upon presenting their accounts, received the money accordingly; but this colony unhappily neglecting to transmit their accounts (amounting to £.4211 19s. 7d.) in season, an objection arose when they were presented, to the payment of them, and they were referred to the then secretary at war and pay-master general, who proposed a deduction of £.1209 14s. — Thus the matter rested for several years, when the agent for this colony was introduced to renew his application for payment of those accounts; upon which, they were again referred to the secretary at war and the pay-master in general, who after some further deduction, reported "that there was due and payable to the colony, £.2672 18s. 11d." which sum the colony expected the agent would soon have received, but in his last letter he informs me, that upon application for the money, he received a positive answer from the lords of the treasury, "That as a requisition

was

was gone from the crown to the colony, the treasury-board thought fit to suspend the payment of the money, until an answer came from the colony relating to that requisition." The general assembly, upon receipt of this letter, requested me to lay the matter before his Majesty's principal secretary of state for this department, and I have accordingly given your lordship this short account of the affair.

I beg leave to observe to your lordship, that this colony really paid the whole sum charged for the several articles in their accounts, so that if the sum reported to be due be paid, they will suffer an actual loss of upwards of 1500 pounds, besides the damage they have sustained, by being kept out of the money ten years—interest for which, they have paid ever since at the rate of ten *per cent. per annum*.

This colony, my lord, surrounded on all sides by the Massachusetts-Bay, Connecticut, and the sea, and not exposed to the attacks of the enemy upon this continent, were animated solely by a zeal for his Majesty's service, and the honour and dignity of his crown, to exert themselves in the common cause of Britain and America, in such a manner as to merit and receive the approbation of his Majesty's Ministers and Generals, and so far beyond their ability, that they are now actually involved in a most heavy debt, for which, by reason of the scarcity of money, they have been, and for years to come, will be obliged to pay a very high interest. From these considerations, the detention of the balance reported to be due, occasions great uneasiness, and is considered as a peculiar hardship by his Majesty's loyal subjects in this colony.—The more especially, as all the other colonies have long since received the monies due to them upon the same account.

I must also beg leave to submit to your lordship, whether this suspension of payment may not be considered

rather as a mode of compelling the colony to grant monies to the persons who have suffered, than as a recommendation of the sufferers, whether it will not have a manifest tendency to discourage the colonies from exerting themselves in the same vigorous manner for his Majesty's service for the future, and whether, considering his Majesty's inviolable and tender regard for the rights and privileges of all his subjects, a measure so coercive can be supposed agreeable to his royal intentions.

I am also, at the request of the general assembly, to assure your lordship, that the opinion that the rioters in this colony were countenanced in their depredations by any person of note or consequence, is so far as the members of the assembly have any knowledge or information thereof, entirely groundless, and that when the sufferers shall make a proper application to the assembly, they will consider the same, and do them all the justice the nature of their cases shall require.

Extract of a Letter from Sir Henry Moore to the Earl of Shelburne.

[Received February 4, 1767.]

New-York, Dec. 19, 1766.

"The letter which I had the honour of receiving from your lordship, dated the 9th of August, was laid before the house of assembly the 17th of last month, accompanied by a message.

"Yesterday the inclosed address was presented to me in answer to my message."

Copy of Governor Sir Henry Moore's Message to the General Assembly of New-York.—In his Letter of the 19th of December, 1766.

Nov. 17, 1766.

Gentlemen of the General Assembly,
In consequence of a report made to the Lords Commissioners for Trade and Plantations, of the act passed in the last sessions of assembly, for providing barracks,

barracks, fuel, &c. for his Majesty's troops quartered in this city, and my letter to the secretary of state on the same occasion, I have had the honour of the following letter from the Earl of Shelburne.

[Here follows his Lordship's Letter of the 9th of August, 1766—see p. 92.]

I flatter myself, that on a due consideration of this letter, no difficulties can possibly arise, or the least objection be made to the provision for the troops, as required by the act of parliament,

Fort George,

H. MOORE.

Nov. 17, 1766.

Address of the General Assembly of New-York to Sir Henry Moore—In his Letter of December 19, 1766.

To his Excellency Sir Henry Moore, Bart. Captain-General and Governor in Chief, in and over the Colony of New-York, and the Territories depending thereon in America, Chancellor and Vice Admiral of the same.

The humble Address of the General Assembly of the said Colony.

May it please your Excellency,

We his Majesty's most dutiful and loyal subjects, the general assembly of the colony of New-York, have taken your Excellency's message of the 17th of November last into our most serious consideration, and beg leave to assure your Excellency, that nothing would give us greater pleasure, than to find it in our power to comply with every requisition, tending in any manner to promote his Majesty's service.—It is, therefore, with great concern, that we find it impossible to comply with what is now demanded, consistent with our obligations to our constituents. We shall always be ready to give the amplest testimony of our loyalty to his Majesty, and submission to his government, from which we humbly conceive we do not deviate, when we shew a regard to the interests of his faithful subjects in this colony, absolutely necessary for their preservation.

We hope it will be considered, that we are chosen to make such a provision for the support of his Majesty's government in this colony (as well as for other important purposes) as is most suitable to the circumstances of the people we represent, and that we should be guilty of a breach of that most sacred trust, if we should load them with burthens they are incapable of supporting.

In the provision we made last session for quartering two battalions and one company of artillery, we loaded ourselves with a burthen much greater than any of the neighbouring governments lie under for that service, and imagined, that far from being censured on that account; it would be accepted as a new instance of that loyalty and affection to his Majesty's government, of which this colony has exhibited so many proofs.

We beg leave further to represent to your Excellency, that by the act of parliament, it appears to be the intention of the legislature, to provide for the quartering soldiers only on a march:—But according to the construction put on it here, it is required that all the forces which shall at any time enter this colony, shall be quartered, during the whole year, in a very unusual and expensive manner.—That by the marching several regiments into this colony, this expence would become ruinous and unsupportable, and therefore we cannot, consistent with our duty to our constituents, put it in the power of any person (whatsoever confidence we may have in his prudence and integrity) to lay such a burthen on them.

We should be very sorry to differ with your Excellency on this, or any other political subject, and therefore it is proper to offer these matters to your consideration, in hopes that they will be sufficient to demonstrate, that the objections against making the provision required, are of a nature the

most

most serious and weighty imaginable, and therefore we humbly intreat your Excellency to set our conduct in the most favourable, that is, in its true light, by representing that our non-compliance on this occasion proceeds intirely from a just sense of what our duty requires. By order of the General Assembly.

*Assembly-Chamber, W. NICOLL, Sp^r.
December 15, 1766.*

*Extract of a Letter from Governor
Franklin to the Earl of Shelburne.*

*[Received February 4, 1767].
Burlington, New-Jersey,
December 18, 1766.*

I should mention, however, that in the "act for supplying the several barracks erected in this colony, with furniture and other necessaries for accommodating the King's troops, in or marching through this colony," they have, instead of specifying the several articles required to be furnished by the act of parliament, empowered the barrack masters to provide "fire-wood, bedding, blankets, and such other necessaries, as have been heretofore usually furnished to the several barracks within this colony." I did all I could to prevail on them to insert the very words of the act of parliament, and to empower the barrack-masters to furnish, at the expence of the province, the same articles as were therein required:—But it was to no purpose; they said they had always furnished every thing which was necessary—that the officers and soldiers who had been quartered here, never complained, but, on the contrary, many of them acknowledged they were better accommodated here than they had ever been at barracks in Europe; they added, that they looked upon the act of parliament for quartering soldiers in America, to be virtually as much an act for laying taxes on the inhabitants as the stamp-act, and that it was more partial, as the troops were kept in a few of the

colonies, whereby others were exempted from contributing any thing towards the expence. I was therefore obliged to take the act as it was tendered, or to let his Majesty's troops remain unprovided with necessaries—I have, however, the pleasure of finding the regiment stationed in this province perfectly satisfied with their quarters—No complaints whatever have been made to me, and I believe there are but few, if any articles of consequence, required by the act of parliament, but what they are furnished with here.

Copy of an Act passed in New-Jersey, appointing Commissioners for supplying the several Barracks erected in this Colony, with Furniture and other Necessaries for accommodating the King's Troops, in or marching through that Colony, &c.—In Gov. Franklin's Letter of the 18th of December, 1766.

"An Act, appointing Commissioners for supplying the several Barracks erected in this Colony, with Furniture and other Necessaries for accommodating the King's Troops, in or marching through this Colony, and for defraying other incidental Charges."

I. Whereas by an act of the legislature of this colony, passed in the fifth year of his present Majesty's reign, certain commissioners therein named, were empowered and required to sell all the perishable furniture belonging to the several barracks in this colony, and as it is requisite that the said barracks should be provided with blankets, beds, and other necessaries for the reception of the King's troops as may occasionally march through this colony; Therefore

II. Be it enacted, by the Governor, Council, and General Assembly; and it is hereby enacted by the authority of the same, that Daniel Ellis, Joseph Hollingshead, Abraham Hunt, Alexander Chambers, Hendrick Fisher,

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Reuben Runyon, Samuel Sarjant, Thomas Skinner, Robert Ogden, and John Blanchard, be, and they are hereby appointed commissioners for the several barracks in this colony, that is to say, Daniel Ellis and Joseph Hollingshead for the barracks at Burlington, Abraham Hunt and Alexander Chambers for the barracks at Irenton, Hendrick Fisher and Reuben Runyon, for the barracks at New Brunswick, Samuel Sarjant and Thomas Skinner, for the barracks at Perth Amboy, Robert Ogden and John Blanchard, for the barracks at Elizabeth Town.

III. And be it further enacted, by the authority aforesaid, that it shall and may be lawful, for the said commissioners, and the survivors of them, at each respective place aforesaid, for which they are appointed commissioners as aforesaid, and they and the survivors of them are hereby empowered to purchase firewood, bedding, blankets, and other necessities, as have been heretofore usually furnished to the several barracks within this colony, and it shall, and may be lawful for either of the treasurers of this colony, to pay to the said Daniel Ellis, Joseph Hollingshead, Abraham Hunt, Alexander Chambers, Hendrick Fisher, Reuben Runyon, Samuel Sarjant, Thomas Skinner, Robert Ogden, and John Blanchard, or any two of them, such sums of money as may be wanted for the service aforesaid, not exceeding the sum of one hundred pounds, for the use of each of the said five barracks in this colony, out of the money made current for the service of the late war, or now in the treasury, and orders with a receipt thereon, or receipts signed by the aforesaid commissioners, or any two of them, when produced by the said treasurers, or either of them, to the General Assembly, shall discharge the said treasurers respectively, their heirs, executors, and administrators, of, and

from so much as they shall have paid, by virtue of this act, and the said commissioners, their heirs, executors, and administrators, are hereby made accountable to the General Assembly of this province, for all such sums of money as they shall respectively receive in pursuance of this act.

IV. And be it enacted, by the authority aforesaid, that the commissioners aforesaid, and the care of the several barracks within this colony, shall be under the same regulations as in, and by the aforesaid recited act, is required and directed.

V. And whereas it is reasonable that sundry incidental charges of this colony should be paid; be it enacted, by the authority aforesaid, that there be paid out of the public monies, now in the hands of the treasurers of this colony, the sums following; viz.

To the Hon. John Stevens, Esq; two pounds, seven shillings, and fourpence, for sending an express into this colony to inform the inhabitants of a large sum of counterfeit Jersey bills of credit, being arrived in a vessel from England.

To the persons who apprehended John Johnson, John Fagan, and John Grimes, the sum of thirty pounds, to be paid to Benjamin Davids and John Robins, and appropriated in manner following; to wit: To Benjamin Davids, for his activity in taking and expences in carrying the felons to gaol, the sum of ten pounds:—To John Robins, for his extraordinary activity, the sum of six pounds—the remainder of said thirty pounds to be paid to the other persons concerned in searching for, and securing the said felons, in such proportion as the said Benjamin Davids and John Robins shall adjudge the same.

To Cortland Skinner, Esq; two pounds, ten shillings, for an express to New-York during the sitting of this session.

To John Allen, late barrack-master at Irenton, in full of his account, thirty-

thirty-nine pounds, seventeen shillings, and nine-pence.

All which said several sums last mentioned, shall be paid to the several persons by the treasurers of this colony, or either of them, on warrants to be produced to them, or either of them, signed by the Governor, or commander in chief for the time being, in council, and the warrants so signed, with indorsements thereon, made by the persons to whom the same shall respectively be made payable, shall be sufficient vouchers to discharge them the said treasurers, or either of them, and their, or either of their heirs, executors, and administrators, of, and from so much of the said money.

June 25, 1766.

This bill having been three times read in the House of Representatives, Resolved that the same do pass. By order of the house.

CORTLAND SKINNER, Sp^r.

Council-Chamber, June 26, 1766.

This bill having been three times read in council,—Resolved that the same do pass. By order of the house.

PETER KEMBLE, Sp^r.

Perth Amboy, June 28, 1766.

I assent to this bill, enacting the same, and order it to be enrolled.

WILLIAM FRANKLIN.

Extract of a Letter from Governor Bernard to the Earl of Shelburne.

[Received February 9, 1767.]

Boston, December 6, 1766.

I have the honour to inform your lordship, that the act for making a compensation to the sufferers by the late riots, passed the two houses, and received my consent this day, being the fourth from their meeting, after the adjournment. The act has received very little alteration from the bill which I sent to your lordship, with my letter of the 14th of November. It passed the House of Representatives by fifty-two against

thirty-five, and in the Council, fourteen to one.

The considerable majority in the house, and the almost unanimous voice of the Council, together with the dispatch with which it has been carried through both, will, I hope, in some degree, apologize for the delay and difficulty which this business has met with heretofore.

I should not have thought myself warranted in passing an act of indemnity in a common case, without some previous instruction or order for that purpose: But this act seems to me so conformable to his Majesty's gracious intention, as it has been signified to me by your lordship, and Mr. Secretary Conway, that I think I can't have mistaken my duty, in what I have now done. However, if I have, the confirmation of the act is still in his Majesty's hands.

Copy of a Letter from Deputy Governor Sharpe to the Earl of Shelburne.

[Received February 13, 1767.]

Annapolis, Maryland,

Dec. 9, 1766.

My Lord,

The two letters your lordship was pleased to write to me the 9th of August last, having lately come to my hands, I now do myself the honor to acknowledge my receipt thereof, and to assure your lordship, that whatever commands your lordship may at any time communicate to me, will be punctually obeyed. In a letter I took the liberty to address to Mr. Secretary Conway last July, in answer to his of the 31st of March, I promised to lay the same, together with the resolves of the House of Commons therein transmitted, before the assembly of this province at their first meeting, which I have since done, and have now the satisfaction to inform your lordship, that upon my recommending it to them to take the letter and resolves into consideration,

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and cheerfully to comply with his Majesty's requisition thereby signified, they immediately voted a compensation to the person whose house had been pulled down by the mob that assembled in the night of the 2d of September, 1765, and also to another person who had suffered a small loss at that time, with which compensation the sufferers are, I understand, entirely satisfied. I must also, in justice to the inhabitants of this province in general, assure your lordship, that since the repeal of the stamp-act was notified to them, they have not shewed the least signs of discontent, nor have murmurings been heard amongst them; but, as far as I can judge, their behaviour has manifested the highest satisfaction at the late measures of the British legislature, while their declarations have been expressive of unfeigned loyalty and gratitude to our gracious sovereign, and of the greatest attachment to the mother-country. I am, &c.

HORATIO SHARPE.

Extract of a Letter from Lieutenant-Governor Colden to the Earl of Shelburne.

[Received February 18, 1767.]

New-York, December 26, 1766.

"In my letter to Mr. Secretary Conway of the 24th of June, I informed him, that the assembly, in their session in June last, would not recompense me for the losses I sustained by the mob, the 1st of November last year. They have again, in their last sessions, refused payment, with this reason annexed, that I had brought them upon myself by my misconduct."

Extract of a Letter from Major General Gage to the Earl of Shelburne.—With Copy of an Inclosure therein.

[Received February 18, 1767.]

January 17, 1767.

"The packet had sailed with the December mail, before I got a sight

of the address from the General Assembly of this province, to their Governor, upon the subject of your lordship's letter to him, concerning the quartering of his Majesty's troops, according to the full extent and meaning of the act of parliament made in that respect. Sir Henry Moore will have transmitted your lordship a copy of the said address, and I have the honour to inclose your lordship a return of the number of troops quartered in the inhabited parts of this province.

Lieutenant Colonel Prevost has brought here one hundred and eighty-eight recruits from Hamburgh, to compleat the two battalions of the Royal American regiment, and, as they will not be able to join their respective battalions till the spring, I have wrote to the Governor of Connecticut, to desire he would provide quarters for them in his government till the month of April. As the colony of Connecticut has never erected any barracks in their country for the use of his Majesty's troops, they must be quartered there on public-houses, in the same manner as in England. I have not yet received the Governor's answer to this requisition."

Return of his Majesty's Troops, quartered in the Provincial Barracks, in the Province of New-York.

Regiments.	Commissioned Officers.	Staff.	Non-Commissioned Officers.	Rank and File.
Artillery	6	3	15	63
17th Regiment	9	3	18	261
46th Ditto	10	4	19	235
Total	25	10	52	559

THOMAS GAGE,
Commander in Chief.

Copy

Copy of an Act to furnish the Barracks in the Cities of New-York and Albany with Firewood, Candles, and the other Necessaries therein-mentioned, for his Majesty's Troops.

[Received October 6, 1766.]

“An Act to furnish the Barracks in the Cities of New-York and Albany with Firewood and Candles, and the other Necessaries therein-mentioned, for his Majesty's Forces.”

Whereas it has been represented to the General Assembly, that it is requisite for his Majesty's service, provision should be made at this time, for furnishing the barracks in the cities of New-York and Albany with sundry necessaries, for the more comfortable reception of his Majesty's troops, that now are, or soon may be quartered in the said barracks, and the General Assembly being willing to make provision for the same, pray that it may be enacted; Be it therefore enacted by his Excellency the Governor, the Council, and the General Assembly. And it is hereby enacted by the authority of the same, that the mayor, recorder, and aldermen of the cities of New-York and Albany respectively, or such person or persons as they, or the major part of them respectively shall appoint, shall, as soon as may be after the publication of this act, furnish the barracks in the said cities with the said necessaries hereafter mentioned; that is to say, “For the officers rooms, each, one pair of hand irons, one pair of tongs, one fire-shovel, one table, two chairs, and one candlestick, and for every officer, seventeen shillings sterling for one year in place of bedding—for every room for non-commissioned officers and soldiers, each room to contain fourteen men, seven cribs, seven bed-cases, seven bolsters to be filled with straw every three months, fourteen blankets, two iron posts, two trammels, one pair of tongs, one fire-shovel, one pair of hand-irons, two

cross bars, one hatchet, one iron candlestick, one table, two benches, and one bucket; and with fire-wood and candles, as follows:—for every room for officers, and for every room for non-commissioned officers and private men, to contain fourteen men each, from the 1st of October to the 1st of April, three-eighths of a cord of wood per week for each room, and for five weeks preceding the 1st of October, and five weeks after the 1st of April, three-sixteenths of a cord of wood per week, and for the sixteen remaining weeks, one eighth of a cord of wood per week, one pound of candles per week for the winter only for each room, and for the guard-room in winter three candles each night, and in summer two candles each night, of ten candles to the pound,” always provided, that the provision hereby made, doth not exceed the space of one year, to commence from the publication hereof; and that the whole number of troops in both cities, doth not exceed two battalions of five hundred men each, officers included, and one company of royal artillery, and also that no rooms be supplied with fire-wood and candles, or other necessaries furnished either for officers or men, but for such as actually reside in the barracks, in either of the cities of New-York and Albany. And that the said mayor, recorder, and aldermen of the said cities, or the major part of them respectively, may be enabled to furnish the several articles and things by this act directed, Be it enacted by the same authority, that the treasurer of this colony, out of the monies remaining in his hands, by virtue of an act of the Lieutenant-Governor, the Council, and the General Assembly, passed the twentieth day of March, one thousand, seven hundred, and sixty-two, intitled, “An Act, directing the Treasurer of this Colony to pay the Commander in Chief of all his Majesty's Forces in North-America, the Sum of Four Thousand,

Thousand, Seven Hundred and Ninety-Pounds for his Majesty's Service, to be repaid when his Majesty shall think proper" pay unto the mayor, recorder, and aldermen of the said cities of New-York and Albany, or the major part of them respectively, or to their respective orders, from time to time, such sum and sums of money as shall be requisite to furnish the several necessities aforesaid, whose respective receipts shall be good and sufficient vouchers to the said treasurer, for such sums of money as shall be therein specified. And be it enacted by the same authority, that the mayor, recorder, and aldermen of the cities of New-York and Albany, or the major part of them respectively, shall keep, or cause to be kept, just, true, and regular accounts of the monies by them respectively expended in consequence of this act, and such accounts shall render on oath, to the Governor, the Council, and the General Assembly, when by them, or either of them, thereunto required.

Province of New-York, July 10, 1766.

This act was passed by the General Assembly of the said province the 25th day of June, 1766. By the Council on the 27th day of the same month of June; and on the third day of July instant, was assented to by his Excellency the Governor—and the preceding is a true copy of the original examined by me,

GEORGE BANYAN, D. Secretary.

Copy of a Message from the House of Representatives to Governor Bernard—In Governor Bernard's of the 14th and 18th of February, 1767.

(No. I.)

May it please your Excellency,

The House of Representatives beg to be informed by your Excellency, whether any provision has been made at the expence of this government, for his Majesty's troops lately arrived in this harbour, and by whom? And also, whether your Excellency has

reason to expect the arrival of any more to be quartered in this province.

Extract of a Letter from Governor Bernard to the Earl of Shelburne.

[Received March 10, 1767.]

Boston, Dec. 24, 1766.

(No. II.)

It has been usual in this government, to reprint such acts of parliament as extend to America, by order of the Governor, with the advice of the Council; the stamp-act itself was reprinted by the printer of the government, by such order. Last summer, having received seven acts of parliament passed the last session relating to America, I communicated these to the Council, and it appearing that four of them were interesting to this province, the Council advised that they should be printed by the printers of the laws, and it was accordingly ordered. Among these acts was the Mutiny Act, which it seems has given as much umbrage to this Assembly as it has done to that of a neighbouring province, though it has not yet so fully showed itself. In the interval of the adjournment of the Assembly, a transport, with two companies of artillery on board, was driven in here by stress of weather; the commanding officer applied to me for quarters—I laid the business before the Council: The act of parliament was consulted, and the Council advised me to order the commissary to furnish them with what they demanded under the act. When the Assembly met, this matter was moved in the house, and a committee was appointed "to prepare a message to the Council, to enquire by what authority any acts of parliament are registered among the laws of this province." This message was accordingly sent up by five members, and had this question at the end of it, "Whether they knew of any act requiring the registry of ordinances, which this legislature never consented to?" The

next

next morning the house sent up another message to the Council, to enquire "Whether the board, or the Governor and Council, had made any provision for his Majesty's troops lately arrived in this harbour, and how?" I had before, upon another occasion, cautioned the Council against answering whilst sitting in their legislative capacity without me, for what they did as a privy council with me, and I renewed this caution at this time, and added, that application should be made to me, and to me only, for an account of what was done in the privy-council. The Council, therefore, answered to both the messages: "That the orders relative to those matters, were given by the Governor with the advice of Council, and therefore the house was referred to the Governor for the information they desired." This answer was voted by the house to be not satisfactory, and a committee was appointed "to take the answer and matter into consideration in the recess, and to report what is proper to be done."

such, except from common report, to which I gave little credit.

Copy of a Message from the House of Representatives to Governor Bernard —In Governor Bernard's Letters of the 14th and 18th of February, 1767. (No. III.)

May it please your Excellency,

In reply to your message of the 30th of January, the House of Representatives beg leave to observe, That it is by virtue of the royal charter alone, that the Governor and Council have any authority to issue money out of the treasury, and that only according to such acts as are, or may be in force within the province. This clause was intended to secure to the House of Representatives, the privilege of originating, granting, and disposing of taxes:—But we apprehend it would be of very little value and importance, if it should ever become a settled rule, that the House are obliged to impose and levy assessments, rates and taxes, upon the estates or persons of their constituents, for the payment of such expences as may be incurred by virtue of an order of the Governor and Council, without the knowledge and consent of the house. Your Excellency, therefore, in giving orders with the advice of the Council, for making provision for the artillery companies at the Castle, acted, in an essential point, contrary to the plain intention of the charter of the province, wherein the powers of the several branches of the General Assembly, are declared and limited. If, however, there was an urgent necessity for this procedure in the recess of the court, we are very much surprized that your Excellency should suffer the whole of the last session of the General Assembly to pass over without laying this matter before us, and that it was again omitted in the present session, till the house had waited upon your Excellency with their message. It is the just expectation of this

Copy of a Message from Governor Bernard to the House of Representatives —In Governor Bernard's Letters of the 14th and 18th of February, 1767. Gentlemen of the House of Representatives.

In answer to your message of this day, I send you a copy of the minutes of Council, by which provision for the artillery company at the Castle, in pursuance of the late act of parliament, was made.

I intended to lay the matter before you, and had given orders for an account of the present expence to be made out for that purpose, which having received since your message came to me, I hereby communicate.

I have received no advice whatever of any other troops being to be quartered in this province, nor have I any reason to expect the arrival of

this house, founded in the principles of the constitution, to have the earliest notice of a matter of this nature, and we cannot but remonstrate to your Excellency, that the omission of it was in breach of our privilege.

But may it please your Excellency, it is still more grievous to us, to find your Excellency making mention of a late act of parliament, in pursuance of which, your Excellency and the Council have created this expence to the province. One great grievance, in regard to the stamp-act, was, that it deprived us of the advantage of a fundamental and most essential part of the British constitution, the unalienable right of freedom from all taxation, but such as we shall voluntarily consent to and grant:—while we feel a sense of the worth and importance of this right, we cannot but express a very deep concern, that an act of parliament should yet be in being, which appears to us to be as real a grievance, as was that which so justly alarmed this continent. Your Excellency, and the Council, by taking this step, have unwarrantably and unconstitutionally subjected the people of this province to an expence, without giving this house an opportunity of passing their judgment upon it, and have also put it out of our power, by an act of our own, to testify the same cheerfulness which this assembly has always shewn, in granting to his Majesty, of their free accord, such aids as his Majesty's service has, from time to time, required.

Copy of a Message from Governor Bernard to the House of Representatives, February 17, 1767—In Governor Bernard's Letters of the 14th and 18th of February, 1767.

(No. IV.)

Boston, Feb. 19.

Tuesday last his Excellency was pleased to send the following Message

to the Hon. House of Representatives; viz.

Gentlemen of the House of Representatives.

The charges against me and the Council, contained in your message of the 4th instant, have had a full consideration; the result of which is, that the proceedings in making provision for the King's troops lately arrived here, appear to be constitutional and warrantable, and are justified not only by the usage of this government, but by the authority of the General Court itself.

The barracks at the Castle were built by order of the General Court, for the reception of the King's troops when they should arrive here, that there might be no occasion for quartering them upon the inhabitants. Fuel and candle are necessary to the occupation of barracks—without them no troops could go in or stay there, it being an allowance always incidental to their living in barracks. When, therefore, the General Court ordered these barracks to be built for troops, it must have been implied, that the incidental necessities should be provided for the troops when they went into them—otherwise, we must suppose that the General Court did not intend that the barracks should be applied to the use for which they were built.

The manner of making the provision, and the provision itself, were agreeable to the usage of this government in the like cases. It consisted of fuel and candle only, which are absolutely necessary, and always have been allowed in those barracks, and it did not include several articles prescribed by the act of parliament, and therefore it was wholly conformable to the usage of the government and the necessity of the case, but to the act only, as it coincided with it. If there had been no such act, the Council would have thought themselves

selves obliged to have advised the ordering this provision, as it was necessary to the use of the barracks, it being their duty, in the recess of the General Court, to assist me in carrying into execution, by the usual means, an establishment provided for the convenience of the people.

As to your complaint against me, for not laying this matter before you during the whole of last session, and part of this session, I shall only state the facts, and leave it there. What you call the whole of last session, was only the six last days of it, when you met after an adjournment, to pass upon the Compensation Bill. As soon as you had finished that business, you desired me to grant you a recess—I did so, and told you at the same time, that upon that account, I had postponed all other business to the next session. As to the part of this session, it was not forty-eight hours, and within that time I had given orders for making out an account of the expence of the provision in order to lay it before you, and I actually received it within two hours after I had your message. This is the whole of what you call an omission in breach of your privilege.

Council-Chamber. FRA^s. BERNARD.

Extract from the Journals of the Upper House of Assembly—In Governor Wright's, (No. IV.) of the 6th of April, 1767.

Georgia, Die Martis, 20^o. January, 1767.

Mr. President informed the House, that he had two Messages from his Excellency the Governor, signed by his Excellency, which he was directed to lay before the House, and he delivered them in at the Table, where the same were read, one of which is as follows; viz.

"Honourable Gentlemen,

"It is always with reluctance, that I mention any matter of expence to you, but having lately received a

letter from Captain Phillips, the officer commanding the detachment of his Majesty's troops in this province, inclosing me a list of necessaries allowed by the Mutiny act to soldiers in America, and requesting to know where he is to procure the same; it is my duty to lay this matter, together with the act of parliament, before you, and to recommend it to your serious consideration, and hope you will, as far as lies with you, enable me to comply with the direction contained in the said act.

"Savannah, JAMES WRIGHT."

Extract of a Letter from Captain Lieutenant Phillips.

"I beg your Excellency will be pleased to forgive the trouble I give you, by inclosing a list of the necessaries allowed to soldiers wherever they are lodged in barracks, and intreat your directions where I am to procure them for the garrisons in your Excellency's province."

A List of Necessaries for the Soldiers at the Out-Posts.

"Candles for the guard and hospital—wood for the garrisons—bedding and bedsteads—rum and vinegar, &c., as ordered by the Mutiny-act—cooking utensils, pots, platters, spoons, &c. &c.—axes to cut their wood, and tables and forms.

"(Signed) RALPH PHILLIPS.
"Charles-Town, Jan. 6, 1767."

"The command at Augusta, an officer, a surgeon's mate, and twenty privates.

"The command at Frederica, a serjeant and ten privates, but at present only a corporal and nine privates."

"Resolved, *Nemine Dissensente*, That this house will readily and cheerfully concur with the Commons House in every measure that may be judged expedient to carry the several matters into execution, recommended by his Excellency in his said messages.

S

"Resolved,

"Resolved, That an humble address be presented to his Excellency the Governor, acquainting his Excellency with the foregoing resolution.

"Ordered, That Mr. Powell and Mr. Johnson do present the said address."

A true copy, examined and certified by C. WATSON, C. G. A.

Copy of Address.

Georgia, Jan. 20, 1767.

To his Excellency James Wright, Esq;
Captain-General, and Governor in
Chief of his Majesty's Province of
Georgia.

*The Humble Address of the Upper House
of Assembly.*

May it please your Excellency,

This house having taken under consideration your Excellency's two messages of this day, the one respecting the repairs requisite at Fort Hallifax, and the other relative to sundry necessaries allowed by the late Mutiny-act to soldiers in America, beg leave to assure your Excellency, that we will readily and cheerfully concur with the Commons House, in every measure that may be judged expedient to carry the several matters therein recommended, into due execution.

By order of the Upper House,

JAMES HABERSHAM, President.

Examined with the original,

C. WATSON, C. G. A.

*Extract of a Letter from James Wright,
Esq; Governor of Georgia, to the
Earl of Shelburne.*

[Received May 21, 1767.]

Savannah, April 6, 1767.

In my letter of the 5th of January I wrote to your lordship, that the Assembly begun to do business on the 2d of December, and were to meet again on the 13th of January, and that I had not then observed any improper disposition in them:—But, my Lord, this did not continue to be the case, for, on the 16th of January I received

a letter from Captain Lieutenant Phillips, who, by General Gage's order, then commanded the detachment of his Majesty's Royal American regiment, doing duty in this province and South Carolina, desiring me to let him know where he was to apply for the barrack-necessaries directed by the Mutiny act, and on the 20th of January I sent a message to the Council and Assembly on that subject, together with the Mutiny act; it being the use and custom here, to send a message to the Council, as well as to the Assembly, in such cases—copies of which I now inclose to your lordship (No. I.); also a copy of the address of the Council as an Upper House, in answer to my message of the same date (No. II.)—but the Assembly delayed sending any answer for a considerable time, and finding no answer came, I sent for two of the members, and let them know, that if I did not receive an answer forthwith, I should be obliged to send a second message, in which possibly I might mention something that would not be pleasing, as I had understood they did not intend to comply with the act of parliament; and that day I was informed, by direction of the house, that I might depend on an answer in a day, or two, at farthest, and on the 18th of February I received the inclosed address. (No. II.)

*Extract of a Letter from Major General
Gage to the Earl of Shelburne.*

[Received March 25.]

*New-York, Feb. 20, 1767.
(No. IV.)*

Your Lordship has been informed of the arrival of a number of German recruits in this port for the Royal American regiment, and of my intention to quarter them in the colony of Connecticut, 'till the season should allow them to join their corps. I wrote two letters to Governor Pitkin on the subject of quartering these recruits by the authority of the act of parliament

parliament solely, but the Governor would do nothing in the affair, 'till authorized so to do by his Provincial Assembly. I have the honor to transmit your Lordship copies of said letters, with the Governor's answers thereto. The men are now quartered in the towns, where the Governor told me provision would be made for their reception.

Copy of a Letter from Governor Pitkin, of the Colony of Connecticut, to General Gage—In Major General Gage's Letters, (No. IV.) of the 20th of February, 1767.

Hartford, Jan. 31, 1767.

S I R,

Your letter of the 25th instant I received; notwithstanding your surprize at the delay of his Majesty's service, I can assure your Excellency, that this colony have nothing more at heart, than to forward his Majesty's service, and promote his interest by every part of their conduct. I have now the pleasure to inform your Excellency, that the needful provision is made for quartering the number of troops mentioned in your first letter.

The towns referred to in your requisition, have lately been greatly burthened with a large number of his Majesty's regular troops, and had encouragement that for the future they should be excused, which induced the Assembly to provide quarters for the said troops in the towns of New Haven, Wallingford, and Brandford—am therefore desired to request this favour of your Excellency, if it can be without prejudice to his Majesty's service, otherwise, provision is made in the towns of Stamford, Norwalk, and Fairfield.

I am further desired to request your Excellency, that orders be given that the soldiers may not carry their arms, except when called upon duty, which may prevent their disturbing the peace of his Majesty's subjects, which the

people here have fearful apprehensions of, from their former experience.

I am, &c.

(Signed) WM. PITKIN.

Copy of a Letter from General Gage to Governor Pitkin, of the Colony of Connecticut—In Major Gen. Gage's Letter (No. IV.) of the 20th of February, 1767.

New-York, Jan. 25, 1767.

S I R,

Captain Kemble has delivered me your letter of the 20th instant, and I can't help expressing my surprize at the contents of it, and the delays given to his Majesty's service—I had the honor to make application to you as the executive part of government, for the due execution of a law in your colony, in the same manner as the said law is daily put in execution by every justice of the peace, constable, headborough, or tythingman, throughout the kingdom of England. I cannot comprehend that your colony is affected by my requisition in any shape, as to expence, there being no barracks in the colony, therefore there is no expence to be incurred for bedding, fuel, utensils, &c. but the troops to be quartered in public houses, in the same manner as in England; and as the public houses in the places mentioned in my letter of the 8th instant, are more than sufficient to quarter the few troops that are to be sent into them, the further provision required by the law, of sitting up out-houses, barns, &c. in case there should not be sufficient room in the said public houses to quarter the troops, is out of the question: I can't, therefore, see by what means the colony is to be involved in considerable expences, or that it is necessary to raise a single shilling on this account. The King's service requires that I should be at a certainty in this business, and I am once more obliged to trouble you on the subject of my

first letter, and to desire your answer, whether you will give the proper directions to the inferior magistrates to obey the law, by billeting the soldiers in such houses as are particularly specified in the act of parliament, made and provided in this respect.

I am, &c, THO^S. GAGE.

sibly can meet. I shall then lay the matter before them, and doubt not but they will give the utmost attention and dispatch the nature of the affair will admit. I shall not fail to give your Excellency the earliest notice of their conclusion thereon. I am, &c.

(Signed) WM. PITKIN.

Copy of a Letter from Governor Pitkin, of the Colony of Connecticut, to General Gage—In Major Gen. Gage's Letter (No. IV.) of the 20th of February, 1767.

Hartford, Jan. 20, 1767.

S I R,

I received yours of the 8th instant, by Captain Kemble, requesting quarters for one hundred and thirty-four of his Majesty's troops, in the towns of Stamford, Norwalk, and Fairfield, in this colony. It would have given me pleasure to have returned an immediate answer, but as it was necessary for me to call the Council of this colony to meet, and advise on the subject matter of your Excellency's letter, I immediately gave them notice, but as they live scattered in the various parts of the colony, and the season being so extraordinary, rendered it impracticable to convene them 'till this day, which I trust will appear a sufficient reason to your Excellency for the delay I have been obliged to give Captain Kemble. I am sorry it is not in my power, at this time, to give such immediate and specific orders as your Excellency seemed to expect. As the requisition was unexpected, no barracks, or other provisions, are made for quartering soldiers here—A compliance therewith, would involve the colony in considerable expence, which cannot be provided for, otherwise than by their representatives in General Assembly, which makes it necessary to call the same on this occasion, I have accordingly sent out orders for convening the Assembly on Thursday the 29th instant, which is as soon as they pos-

Copy of a Letter from General Gage to Governor Pitkin, of the Colony of Connecticut—In Major Gen. Gage's Letter (No. IV.) of the 20th of February, 1767.

New-York, Jan. 8, 1767.

S I R,

I have the honour to acquaint you, that a vessel is just arrived here, with one hundred and eighty-eight recruits from Germany, for his Majesty's two battalions of the Royal American regiment. As both these battalions are so situated (the one being quartered at Quebec, the other garrisoning the forts in the Upper country) as to render it impracticable for these recruits to join them this winter, and the quarters in the provinces of Pennsylvania, New Jersey, and New-York, being occupied by other corps, and two companies of the Royal regiment of Artillery being quartered at Boston, I have no choice left but the province of Connecticut—I, therefore, send to you, by Captain Kemble, one of my aid de camps, to request that you will be so good as to order quarters to be provided at Stamford, Norwalk, and Fairfield, or which you shall judge best of those towns, for two officers, and one hundred and thirty-four of his Majesty's troops—the other fifty-four being destined to recruit the three companies of the first battalion of the Royal American regiment stationed in South-Carolina, will be immediately sent thither. I have no doubt but you will give such immediate and specific orders upon this head, as that this detachment of his Majesty's forces may be supplied with

with quarters, &c. according to the act of parliament.

You will be so good to return me an answer to this requisition, by Captain Kemble, acquainting me of the number of men you think best to be severally quartered in the towns before-mentioned. I am, &c.

THOMAS GAGE.

Extract of a Letter from Governor Bernard to the Earl of Shelburne.

[Received March 28.]

Boston, 14th and 18th of Feb. 1767.
(No. V.)

In my letter (No. II.) I informed your lordship, that the house had, at the end of last session, taken umbrage at the Governor, with the advice of Council, having ordered provision for two companies of artillery (which were drove in here), pursuant to act of parliament, and had appointed a committee thereupon—so that this subject was to be worked up as a cause of liberty. The third day of this session, the house sent me a message, desiring to know, “Whether any provision had been made at the expence of this government, for his Majesty’s troops lately arrived in this harbour, and by whom?” To this I returned an answer, inclosing a copy of the minutes of Council, by which such provision was made, in which it is said to be in pursuance of the act of parliament. I also added an account of the expence, which in more than two months amounted to £60 sterling. In reply to this, they sent me a message, wherein they say, that “I and the Council, in making such provision, acted unwarrantably and unconstitutionally, and it is the more grievous to them, for that it is mentioned to be in pursuance of an act of parliament, which act appears to them as real a grievance as the stamp-act.” They also say, “that my not laying this matter before them for the whole of the last session, and part of this session, until they sent their mes-

sage, was in breach of their privilege.” What they call the whole of the last session, was only the six last days, when they met, after an adjournment, to pass the Indemnification bill, and for no other purpose—after which, they desired I would dismiss them, and I told them in so doing, that I had postponed all other business to the next session, on that account. The part of this session was not forty-eight hours, in which I had given orders for making out an account of the expence, to be laid before them—when they hurried their message so, that it came to me two hours before I received the account. I mention this only, to shew upon what trifling pretences, a charge of a breach of this privilege is formed.

In the business itself, the Governor and Council acted precisely according to the constant usage of this government, both in the manner of providing, and the things provided, and in regard to the latter, not quite conformably to the act of parliament, for there was no beer, vinegar, &c. provided, the officer not requiring them. The entry in the minute of the Council, “in pursuance of the act of parliament” was made at the desire of some of the Council, thinking, I suppose, that it would protect them from being called to an account for doing, what, in other times, would have passed as a common act of government, and even these words are more properly applicable to the request of the officer, than the order—But the reverse has happened. The act of parliament, instead of protecting them, has been the cause of their being arraigned. Political measures are very catching in this country. When the matter was first agitated, advice had been received of the Assembly of New-York having refused to comply specifically with the act of parliament; and it was mentioned in the house, and then (last session) it was said that this act was worse than the stamp-act.

And

And when it was revived in the house this session, a member opposite to government, said that the Governor and Council were not to blame, the act under which they had acted was what was to be condemned. And indeed this trifling business, which in the whole expence won't cost above £.150 sterling, seems to be laid hold of, only to make a public declaration against the act of parliament—All papers of this kind, which used formerly to be seen no where but in the votes, being now printed in all the news-papers; and, from some particular expressions, it has the air of a manifesto much more than of a message to a Governor, who is the last person to whom a claim to an exemption from acts of parliament should be made, as it is impossible for him to concede to it.

This letter still remaining with me, I have an opportunity to add, that for above a week past, I had endeavoured to prevail with the Council, to join with me in a justification of our proceedings, in making provision for the King's troops, but at the same time I protested against their answering without me, as it was a business of Privy Council, in which they could not act separately from me. This distinction was made use of to introduce a squabble about privileges, which prevented any resolution being taken. To put an end to this, yesterday I introduced the inclosed answer in my own name only, which I told them I would send if they would advise to it, which, after some debate, they did; and I sent it to the house. Your Lordship will observe, that in this answer there is a careful avoidance, though no denial of this provision being made, in pursuance of the act of parliament: I was obliged to frame it thus to obtain the Council's concurrence. For, though the greater part of them have, I believe, a due respect for an act of parliament,

not one of them would dare to avow it in this instance, and at this time.

Copy of an Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity and Oblivion to the Offenders in the late Times, passed in the Province of the Massachusetts Bay, Dec. 6, 1766.

(No. I.)

“An Act for granting Compensation to the Sufferers; and of free and general Pardon, Indemnity and Oblivion, to the Offenders in the late Times.”

Whereas the King's most Excellent Majesty, taking into his gracious and most serious consideration, the troubles, discords, tumults and riots which have lately happened in America, and that divers of his subjects have thereby greatly suffered in their property, and others have fallen into, and are obnoxious to great pains and penalties, out of a hearty and pious desire that such sufferers be compensated, and to put an end to all suits and controversies, and prosecutions, that by occasion of the late distractions have arisen, or may arise between any of his Majesty's subjects, and to the intent that a veil be drawn over the late unhappy excesses, has been graciously pleased to signify his desire to forgive and forget them, at the same time, of his abundant clemency, recommending a compensation to the sufferers in their property, with such a conduct in general, as shall be, at this great crisis, the best means of fixing the mutual interest and inclination of Great Britain and her colonies, on the most firm and solid foundation.

From a grateful sense of his Majesty's grace and clemency, in order to promote internal peace and safety, to make compensation to said sufferers, and as a means, so far as it is in our power, of demonstrating to all the world, our sense of the happiness we enjoy, in being a part of the British empire,

empire, and being intitled to the rights, liberties, and privileges of British subjects, We, his Majesty's most dutiful and loyal subjects, the Representatives of the Commons of this province, in the Great and General Court, assembled of our free and good will, have resolved to give and grant, and pray that it may be enacted.

And be it accordingly enacted, by the Governor, Council, and House of Representatives, that there be granted and paid out of the public treasury of this province, to the Hon. Thomas Hutchinson, Esq; the sum of £.3194 17s. 6d. in full compensation for the losses and sufferings that he, and the several persons in his family, sustained in the late times of confusion.

To the Hon. Andrew Oliver, Esq; the sum of £.172 4s.

To Benjamin Hallowell, jun. Esq; the sum of £.385 6s. 10d.

To William Story, Esq; the sum of £.67 8s. 10d. in full compensation for their losses and sufferings, in the late times of confusion.

And be it further enacted, that all riots, routs, and unlawful assemblies, counselled, commanded, acted, done, or made within this province, between the 1st day of September, 1765, and the 1st day of May, 1766, and all burglaries, felonies, rescues, and breaches of the peace whatsoever, committed in, by, or during such riots, routs, or unlawful assemblies, be, and hereby are pardoned, released, indemnified, discharged, and put in utter oblivion, and that all and every the person or persons, acting, advising, assisting, abetting, and counselling the same, be, and are hereby pardoned, released, acquitted, indemnified and discharged from the same, and of, and from all pains of death, and other pains, judgments, indictments, convictions, penalties, and forfeitures, are hereby declared null and void.

And be it further enacted, that any

person indicted or presented, or in any manner prosecuted, or that shall, or may be hereafter indicted, presented, or in any manner prosecuted, or that shall, or may be hereafter indicted, presented, or in any manner prosecuted for any of the offences by this act pardoned, may plead the general issue, and give this act in evidence, which shall be sufficient to acquit him.

Provided, that nothing in this act contained, shall extend to the pardoning, or give any benefit whatever to any person who is, or may be unlawfully possessed of any goods or chattels, taken or stolen from any person, unless the possessor shall, within thirty days after the publication of this act, have surrendered and delivered them up to the province treasurer, for the use of the province.

Provided also, that nothing in this act shall extend to the carrying any civil action of trespass for damages sustained by any person, not by this act compensated, nor to the pardoning any of the crimes or offences above-named, wherein any burglaries, arson, or thefts were committed against the properties of any persons, not compensated by this act.

Extract of the Minutes of the Proceedings of the Commissioners for Trade and Plantations, so far as relates to the Act passed in the Province of the Massachusetts Bay, in December, 1766, intituled,

“An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times.” From the Time of the Receipt of the said Act.

(No. II.)

At a meeting of his Majesty's Commissioners for Trade and Plantations, on Tuesday, March 10, 1767.

Present—Lord Clare, Mr. Jenyns, Mr. Roberts, Mr. Fitzherbert, Mr. Rice, Mr. Dyson, Mr. Robinson.

The

The Secretary laid before the Board the following papers, which were this day received from the Secretary of the Province of Massachusetts Bay; viz. Two Acts passed in 1766.

Ordered, That the Secretary do forthwith communicate to the Secretary to the Earl of Shelburne, for his Lordship's information, the act of compensation to the sufferers by the disturbances at Boston, in August, 1765, and for indemnity to those concerned in the said disturbances.

CLARE.

At a meeting of his Majesty's Commissioners for Trade and Plantations, on Tuesday, March 12, 1767.

Present—Lord Clare, Mr. Jenyns, Mr. Dyson, Mr. Roberts, Mr. Fitzherbert.

The Secretary acquainted the Board that he had, pursuant to their order, communicated to the Earl of Shelburne's Secretary, the Act passed in Massachusetts Bay, in December, 1766, for Compensation and Indemnity.

Their Lordships took into consideration the law passed in the province of Massachusetts Bay, in December, 1766, for Compensation to the Sufferers by the Disturbances at Boston in 1765, and for Indemnity, &c. and the said law appearing to be of a new and extraordinary nature and importance, it was ordered that it should be referred to his Majesty's Attorney and Solicitor-General, for their opinion upon it.

CLARE.

At a meeting of his Majesty's Commissioners for Trade and Plantations, on Monday, April 13, 1767.

Present—Lord Clare, Mr. Jenyns, Mr. Dyson, Mr. Rice, Mr. Fitzherbert, Mr. Robinson.

The Secretary laid before the Board a report of his Majesty's Attorney and Solicitor-General, dated the 10th instant, upon the act passed in the province of the Massachusetts Bay in December last, intituled, An Act for Compensation to the Sufferers by the

Disturbances at Boston in 1765, and for Indemnity, &c. Their Lordships took the said act and report into consideration, and having agreed upon a representation to his Majesty thereupon, a draught of such representation was prepared, approved, transcribed, and signed.

CLARE.

Copy of a Letter from John Pownall, Esq; to his Majesty's Attorney and Solicitor-General, dated Whitehall, March 13, 1767, desiring their Opinion upon an Act passed in the Massachusetts Bay, in December, 1766, intituled,

"An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

(No. III.)

Whitehall, March 13, 1767.

Gentlemen,

As the law herewith inclosed, passed in the province of the Massachusetts Bay, in December, 1766, appears to the Lords Commissioners for Trade and Plantations, to be of a new and extraordinary nature and importance, I am directed by their lordships to desire you will be pleased to take it into consideration, and to favour them with your opinion, whether the legislature of that province have, by their constitution, a power to enact a law of general pardon, indemnity, and oblivion, in the case to which it refers, without the previous consent of the crown. I am, with great respect, Gentlemen, your most obedient, humble servant, J. POWNALL.
To William de Grey and Edward Willes, Esqrs. his Majesty's Attorney and Solicitor Generals.

Copy of a Report of his Majesty's Attorney and Solicitor-General, dated April 10, 1767, on an Act passed in the Province of the Massachusetts Bay, on the 6th of December, 1766, intituled, "An Act for granting Compensation

Compensation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

(No. IV.)

To the Right Hon. the Lords Commissioners for Trade and Plantations.

May it please your Lordships,

In obedience to your lordships commands signified to us by Mr. Pownal's letter of the 13th of March last, inclosing to us a law passed in the province of Massachusetts Bay, in December, 1766, appearing to your lordships to be of a new and extraordinary nature and importance, and desiring us to take it into our consideration, and report our opinion, whether the legislature of that province have, by their constitution, a power to enact a law of general pardon, indemnity and oblivion, in the case to which it refers, without the previous consent of the crown. We have taken the same into our consideration, and are of opinion, that the Governor, Council, and Assembly of the Massachusetts Bay, have not, by the constitution of that province, any original power to enact a law of general pardon, indemnity, and oblivion, in the case referred to, without the previous communication of the grace and pleasure of the crown.

All which is humbly submitted to your Lordships' consideration.

W. DE GREY,
E. WILLES.

Whitehall, April 13, 1767.

Copy of a Representation of the Commissioners for Trade and Plantations, to his Majesty, dated Whitehall, April 13, 1767, on an Act passed in the Massachusetts Bay, in December, 1766, intituled, "An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

(No. V.)

To the King's Most Excellent Majesty.

May it please your Majesty.

We have had under our consideration an act passed in your Majesty's province of Massachusetts Bay, in New-England, on the 6th of December, 1766, intituled, "An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

As this act appeared to us to be of an extraordinary nature and importance, we thought it our duty immediately, to refer it to the consideration of your Majesty's Attorney and Solicitor General, desiring their opinion, whether the legislature of that province have, by their constitution, a power to enact a law of general pardon, indemnity, and oblivion, in the case to which this act refers, without the previous consent of the crown; and your Majesty's Attorney and Solicitor General, having, on the 10th instant, reported to us their opinion, "That the Governor, Council, and Assembly of the Massachusetts Bay, have not, by the constitution of that province, any original power to enact a law of general Pardon, Indemnity, and Oblivion, in the case referred to, without the previous communication of the grace and pleasure of the crown." We do, upon a consideration of this report, agree in opinion with them, and humbly beg leave to lay the said act before your Majesty, submitting it to your Majesty to take such measures thereupon, as your Majesty, in your great wisdom, and with the advice of your Council, shall think most proper.

Which is most humbly submitted.

Clare Wm. Fitzherbert
Soame Jenyns Tho^s. Robinson.
George Rice

Copy of a Representation of the Lords Commissioners for Trade and Plantations, dated the 13th of April, 1767, upon the Massachusetts's Act,
T
for

for granting Compensation to the Sufferers, &c.

(No. I.)

*To the King's Most Excellent Majesty.
May it please your Majesty,*

We have had under our consideration an act passed in your Majesty's province of the Massachusetts Bay, in New England, on the 6th of December, 1766, intituled,

"An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

As this act appeared to us to be of an extraordinary nature and importance, we thought it our duty immediately to refer it to the consideration of your Majesty's Attorney and Solicitor General, desiring their opinion, whether the legislature of that province, have, by their constitution, a power to enact a law of general Pardon, Indemnity, and Oblivion, in the case to which this act refers, without the previous consent of the crown? And your Majesty's Attorney and Solicitor-General, having, on the 10th instant, reported to us their opinion, "That the Governor, Council, and Assembly of the Massachusetts Bay, have not, by the constitution of that province, any original power to enact a law of general Pardon, Indemnity, and Oblivion; in the case referred to, without the previous communication of the grace and pleasure of the crown."

We do, upon a consideration of this report, agree in opinion with them, and humbly beg leave to lay the said act before your Majesty, submitting it to your Majesty, to take such measures thereupon; as your Majesty, in your great wisdom, and with the advice of your Council, shall think most proper.

Which is most humbly submitted.

Clare Wm. Fitzherbert
Soame Jenyns Tho^r. Robinson.
George Rice

Whitehall, April 13, 1767.

L. S.

By his Excellency Francis Bernard, Esq; Captain General and Governor in Chief, in, and over his Majesty's Province of the Massachusetts Bay, in New-England, and Vice-Admiral of the same.

Fr^d. Bernard.

I do hereby certify, that the Great and General Court, or Assembly of his Majesty's province of the Massachusetts Bay, aforesaid, did at their session begun and held at Boston, upon Wednesday the 28th day of May, 1766, and continued by sundry prorogations to Wednesday the 29th day of October following, and then met, make, and pass an act, intituled, "An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times." Passed by the Representatives, December 6, 1766.

Passed by the Council, ditto.

Signed by the Governor, ditto.

And I do further certify, that the paper annexed is a true and authentic copy of the act, or law aforesaid.

In testimony whereof, I have caused the public seal of the province of Massachusetts Bay aforesaid, to be hereunto affixed, dated at Boston the 27th day of December, 1766, in the 7th year of his Majesty's reign. By his Excellency's command,

A. OLIVER, Secretary.

Copy of the Act mentioned in the foregoing Representation (No. I.) passed in Massachusetts Bay, Dec. 6, 1766.

(No. II.)

An Act passed by the Great and General Court, or Assembly, of his Majesty's Province of the Massachusetts Bay, in New-England, begun and held at Boston, upon Wednesday the 28th Day of May, 1766, and from thence continued by several Prorogations, to Wednesday the 29th Day of Oct. bar following, and then met.

" An

"An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

Whereas the King's most Excellent Majesty, taking into his gracious and serious consideration, the troubles, discords, tumults, and riots that have lately happened in America, and that divers of his subjects have thereby greatly suffered in their property, and others have fallen into, and are obnoxious to great pains and penalties, out of a hearty and pious desire that such sufferers be compensated, and to put an end to all suits, controversies, and prosecutions, that by occasion of the late distractions have arisen, or may arise between any of his Majesty's subjects, and to the intent that a veil may be drawn over the late unhappy excesses, has been graciously pleased to signify his desire to forgive and forget them, at the same time, of his abundant clemency, recommending a compensation to the sufferers in their property, with such a conduct in general, as shall be at this general crisis, the best means of fixing the mutual interest and inclination of Great Britain and her Colonies, on the most firm and solid foundations.

From a grateful sense of his Majesty's grace and clemency, in order to promote internal peace and safety, to make compensation to said sufferers, and as a means, so far as it is in our power, of demonstrating to all the world our sense of the happiness we enjoy, in being a part of the British empire, and being intitled to the rights, liberties, and privileges of British subjects. We his Majesty's most dutiful and loyal subjects, the Representatives of the Commons of this Province, in the Great and General Court assembled, of our free and good will, have resolved to give and grant, and pray that it be enacted.

And be it accordingly enacted, by the Governor, Council, and House of

Representatives, that there be granted and paid out of the public treasury of this Province, to the Hon. Thomas Hutchinson, Esq; the sum of £.3194 17s. 6d. in full compensation for the losses and sufferings that he, and the several persons in his family sustained, in the late times of confusion.

To the Hon. Andrew Oliver, Esq; the sum of £.172 4s.

To Benjamin Hallowell, jun. the sum of £.385 6s. 10d.

To William Story, Esq; the sum of £.67 8s. 10d. in full compensation for their losses and sufferings, in the late times of confusion.

And be it further enacted, that all riots, routs, and unlawful assemblies, counselled, commanded, acted, done, or made within this province, between the 1st day of August, 1765, and the 1st day of May, 1766, and all burglaries, felonies, rescues, and breaches of the peace whatsoever, committed in, by, or during such riots, routs, and unlawful assemblies, be, and are hereby pardoned, released, indemnified, discharged, and put in utter oblivion, and that all and every the person or persons, acting, advising, assisting, abetting, and counselling the same, be, and are hereby pardoned, released, acquitted, indemnified, and discharged from the same, and of, and from all pains of death, and other pains, judgments, indictments, convictions, penalties, and forfeitures, therefore had or given, or that might accrue for the same, and that such indictments, convictions, and forfeitures, are hereby declared null and void.

And be it further enacted, that any person indicted or presented, or in any manner prosecuted, or that shall, or may be hereafter indicted, presented, or in any manner prosecuted for any of the offences by this act pardoned, may plead the general issue, and give this act in evidence, which shall be sufficient to acquit him.

T 2

Provided,

Provided, that nothing in this act contained, shall extend to the pardoning, or give any benefit whatever to any person who is, or may be unlawfully possessed of any goods or chattels, taken or stolen from any person, unless the possessor shall, within thirty days after the publication of this act, have surrendered and delivered them up to the Province treasurer, for the use of the province.

Provided also, that nothing in this act contained, shall extend to the barring any civil action of trespass for damages sustained by any person not by this act compensated, nor to the pardoning any of the crimes or offences above-named, wherein any burglaries, arsons, or thefts were committed against the properties of any persons not compensated by this act.

Copy of his Majesty's Order in Council, dated April 13, 1767, referring to the Lords of the Committee of Council, the foregoing Representation and Act.

(No. III.)

At the Court at St. James, April 13, 1767.

P R E S E N T,

The King's Most Excellent Majesty in Council.

Upon reading at the Board, a representation from the Lords Commissioners for Trade and Plantations, dated this day, upon an act passed in his Majesty's Province of the Massachusetts Bay, in New-England, on the 6th of December, 1766, intitled,

"An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

Which act had not, till this day, been laid before the Council Board—It is ordered by his Majesty in Council, that the said representation and act be, and they are hereby referred to the Right Hon. the Lords of the Committee of Council for Plantation Affairs, to consider the same, and

report their opinion thereupon to his Majesty at this Board.

Copy of the Report of the Lords of the Committee of Council, dated May 9, 1767, upon considering the foregoing Representation and Act.

(No. IV.)

At the Council-Chamber, Whitehall, May 9, 1767.

By the Right Hon. the Lords of the Committee of Council for Plantation Affairs.

P R E S E N T,

Lord Chancellor	Vise. Barrington
Lord President	Viscount Clare
Duke of Grafton	Lord North
Duke of Bolton	Lord Sandys
Duke of Ancaster	Mr. Speaker
Lord Steward	J. Stuart Mackenzie, Esq;
Earl of Denbigh	Mr. Sec. Conway
Earl of Cholmondeley	Mr. Chancellor of the Exchequer
E. of Marchmont	Welb. Ellis, Esq;
Earl of Bristol	Hans Stanley, Esq;
Earl of Harcourt	L. C. J. Wilmot
E. of Hillsborough	Isaac Barré, Esq;
Earl of Shelburne	Viscount Howe

Your Majesty having been pleased by your order in Council, of the 13th of last month, to refer unto this committee a representation of the Lords Commissioners for Trade and Plantations, touching and concerning an act passed by the Great and General Court, or Assembly of your Majesty's Province of the Massachusetts Bay, in New-England, on the 6th day of December, 1766, intitled,

"An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity, and Oblivion, to the Offenders in the late Times."

The Lords of the Committee, in obedience to your Majesty's said order of reference, did on the 1st and 4th of this instant, and again upon this day, meet, and take the said representation and act into their consideration,

consideration, together with the charter granted to the said Province, by your Majesty's royal predecessors, King William and Queen Mary, and also your Majesty's commission and instruction to the present Governor of that Province, and upon a due deliberation had thereupon, and after a diligent enquiry into the precedents of the conduct of the Council Board, in similar cases, their Lordships are humbly of opinion, that it may be adviseable for your Majesty (if in your royal wisdom you shall think fit) to disallow and reject the said act, the said Assembly having therein unwarrantably incorporated an act of Pardon with an act of Compensation, without having obtained your Majesty's previous consent to such act of Pardon—And that it may likewise be adviseable for your Majesty to direct your Governor of the Massachusetts Bay, forthwith to require the said act of Assembly to pass a particular and effectual act for compensating all or any of the sufferers, unmixed with any other matter whatsoever, in case such compensation shall not have been already made—And the Committee submit this opinion to your Majesty, without prejudice to the consideration of any question touching the nullity of the act now under consideration, *ab initio*, whenever the same may judicially come into question,

Copy of his Majesty's Order in Council, dated May 13, 1767, approving of the foregoing Report of the Lords of the Committee of Council.

(No. V.)

At the Court at St. James's, the 13th of May, 1767.

P R E S E N T,

The King's Most Excellent Majesty.

His R. H. the D. E. of Hillsborough	E. of Hillsborough
of York	Earl of Shelburne
A. of Canterbury	Visc. Falmouth
Lord President	Visc. Barrington
Duke of Bolton	Visc. Clare
D. of Queensbury	Bishop of London

Duke of Argyle	L. Berkley of Stratton
Marq. of Granby	Lord Bathurst
Lord Steward	Lord Sandys
L. Chamberlain	Mr. Treasurer of the Household
Earl of Denbigh	J. Stewart Mackenzie, Esq.
E. of Shaftesbury	Wellb. Ellis, Esq.
Earl of Litchfield	Sir Gilbert Elliot
E. of Marchmont	Master of the Rolls,
Earl of Bristol	
Earl of Harcourt	
Earl of Ilchester	
Earl of Beiborough	

Upon reading at the Board a report of the Right Hon. the Lords of the Committee of Council for Plantation Affairs, dated the 9th of this instant, in the words following, viz.

At the Council-Chamber, Whitehall, May 9, 1767.

By the Right Honourable the Lords of the Committee of Council for Plantation Affairs.

P R E S E N T,

Lord Chancellor	Visc. Barrington
Lord President	Viscount Clare
D. of Grafton	Lord North
Duke of Bolton	Lord Sandys
Duke of Ancafter	Mr. Speaker
Lord Steward	J. Stuart Mackenzie, Esq.
Earl of Denbigh	Mr. Secr. Conway
E. of Cholmondeley	Mr. Chancellor of the Exchequer
E. of Marchmont	Wellb. Ellis, Esq.
E. of Bristol	Hans Stanley, Esq.
Earl of Harcourt	L. C. J. Wilmot
E. of Hillsborough	Isaac Barré.
E. of Shelburne	
Visc. Howe	

Your Majesty having been pleased, by your order in Council of the 13th of last month, to refer unto this Committee a representation of the Lords Commissioners for Trade and Plantations, touching, and concerning an act passed by the Great and General Court, or Assembly of your Majesty's Province of the Massachusetts Bay, in New-England, on the 6th of December, 1766, intituled,

“An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity,

demnity, and Oblivion to the Offenders in the late Times."

The Lords of the Committee, in obedience to your Majesty's said order of reference, did on the 1st and 4th of this instant, and again, upon this day meet and take the said representation and act into their consideration, together with the charter granted to the said Province, by your Majesty's royal predecessors, King William and Queen Mary, and also your Majesty's commission and instructions to the present Governor of that Province, and upon due deliberation had thereupon, and after a diligent enquiry into the precedents of the conduct of the Council Board, in similar cases, their Lordships are humbly of opinion, that it may be adviseable for your Majesty (if in your royal wisdom you shall think fit) to disallow and reject the said act, the said Assembly having therein unwarrantably incorporated an act of Pardon with an act of Compensation, without having obtained your Majesty's previous consent to such act of Pardon:—And that it may likewise be adviseable for your Majesty to direct your Governor of the Massachusetts Bay forthwith, to require the said Assembly to pass a particular and effectual act for compensating all, or any of the Sufferers, unmixed with any other matter whatsoever, in case such compensation shall not have been already made—And the Committee submit this opinion to your Majesty, without any prejudice to the consideration of any question touching the nullity of the act now under consideration, *ab initio*, whenever the same may judicially come into question.

His Majesty this day took the said report into consideration, and was pleased, with the advice of his Privy Council, to approve thereof, and accordingly to order that the said act be, and it is hereby disallowed and rejected, and his Majesty doth hereby further order, that the Governor,

Lieutenant-Governor, or Commander in Chief of the Province of the Massachusetts Bay, do forthwith require the said Assembly to pass a particular and effectual act for compensating all or any of the sufferers, unmixed with any other matter whatsoever, in case such compensation shall have been already made.

Copy of Major General Gage's Letter to the Secretary at War.

New-York, Oct. 11, 1766.

(No. V.)*

My Lord,

I have used all endeavours to transmit to you the estimates of North-America by the present opportunity, and have the honor to send herewith sixteen different estimates of the ordinary contingent military expences, and three of extraordinary contingent expences, with an abstract of the whole. There yet remains to be sent the estimates of West-Florida, and that of the Quarter-master's department in the district of Albany—both have been wrote for frequently, and will be forwarded to your Lordship as soon as they can be obtained. The engineers are not yet come in from the out-posts, nor the naval people from the Lakes; if any thing shall appear farther necessary to be done in repairs, or to strengthen ourselves in those parts, particular estimates thereof will be transmitted hereafter.

For a long time past I have been examining and curtailing expences as much as could be, in every part under my command, and the estimates now transmitted, I believe to be as exact as they can be made at an average, to ascertain the annual contingent military expences of North America, wanting only to complete the whole of the estimates already mentioned, from West-Florida and Albany.

There appears in the estimate from Hallifax, a great number of store-houses to be repaired; I have wrote to the officer commanding, to dispose of

of any that shall not be absolutely wanted for the service.

In the Quarter-Master General's department, the article of building boats at Fort Pitt is heavy, but that business was examined and enquired into before it was undertaken, and the crown pays the same prices as every trader upon the Ohio; but the most weighty article, is the transportation of provisions and stores from Fort Pitt to Fort Chartres. This is put down to shew the expence that will be incurred, if the necessity of the service shall oblige me to forward provisions, sufficient for the feeding of a regiment for twelve months, with their clothing, &c. and that no assistance can be got from the country in the article of provision. This year a large quantity of provisions has been procured there; if their harvest has been good, a further supply will be got next year, by which considerable transportations will be saved; and opportunities have offered this year, which has enabled me to make further savings. The recruits which arrived for the 34th regiment have been employed in the transportation, in lieu of batteau men, and though to be allowed some gratuity for the wear of their necessaries, it will be far short of the wages of the others. Upon the whole, this article must be uncertain, but the supplying a regiment at the Illinois is so very expensive, that I must use every means in my power that can reduce it.

The payment of the two troops of Rangers in Georgia, is included in the contingent expences, as I don't know whether provision is made for them with the rest of the army, or not. They are not paid out of the contingencies, but by warrants on the Deputy Pay-master General, as the other troops are paid.

It was remarked with the estimates sent last year, that the Superintendants of the Northern and Southern

Indians, drew upon the Commander in Chief for their salaries, as well as for the salaries of all the officers in their respective departments, and their other contingent expences; but that I could not send their estimates, as they were transmitted to the Board of Trade. I have, however, desired Sir William Johnson and Mr. Steuart, to send me a list of all their deputies, commissaries, interpreters, smiths, &c. with their annual pay. As soon as I shall be able to procure these lists, they will be forwarded to your Lordship.

Your Lordship will pardon my errors from the hurry I write in, to be in time for the mail; which being very near closing, will not permit me to make further observations at present. If any occur hereafter, I shall have the honor to mention them by another opportunity. I have the honor to be with great truth, respect, and esteem, my Lord, your Lordship's most obedient, and most humble servant,

THOMAS GAGE.

Extract of a Letter from Major General Gage to Lord Barrington.

New-York, October 28, 1766.

(No. VI.*)

I take the opportunity of a private ship, to transmit your Lordship the estimates of the Deputy Quarter-Master General's department in the districts of Albany, and of the expences for the repairs and contingencies of Fort Amherst, in the island of St. John's, both which arrived too late for the last packet; and I had omitted to take notice of the last in my letter, with the other estimates sent by that opportunity. The estimate of West Florida, I hope, may be transmitted to your Lordship directly from thence, which I directed to save time, as also that a duplicate might be sent here.

Some

Some expences will probably be incurred at the Illinois, the estimates of which have been wrote for long ago, but I can't expect any clear account of that post, 'till the chief engineers, whom I sent there, and down the Mississippi, in the spring, shall return to me.

In the estimate of the Barrack-Master General, the yearly sum to be allowed contractors, for keeping up and repairing the furniture of the barracks for twenty years, is inserted, though no contract has as yet been entered into. As soon as any proposals shall be made on this head, they will be transmitted to the Lords Commissioners of his Majesty's Treasury. A sum is likewise charged in the above estimate, for a compleat new set of furniture for the whole barracks in North-America, which in general, was much wanted. From comparing these two sums, the Board of Treasury will be able to form a judgment of the contract, according to the proposals on this head already sent by the Barrack-Master General.

I likewise herewith inclose a list of the superintendants, deputies, commissaries, interpreters, and Smiths, for the managements of Indians in the northern district of North-America, according to what is there called the new plan, which I presume to be a plan settled with the Board of Trade, and may be properly called the Indian Staff for the northern district. As soon as Mr. Steuart, the Superintendant of the southern Indians, sends me the staff of his district, it will be transmitted to your Lordship;—both the Superintendants draw upon the Commander in Chief for their salaries of all their staff, as well as their other expences, estimates of which I have already acquainted your Lordship, are ordered, as I am informed, to be transmitted to the Board of Trade.

An estimate of the expence of provisions is making out in the best manner it can be done, but I fear it

will not be finished in time for the present conveyance.

Extract of a Letter from Major General Gage to Lord Barrington.

New-York, Nov. 9, 1766:
(No. VII.)

I have the honour to transmit your Lordship the estimate of the expence of provisions consumed annually in North-America, calculated for every part except West-Florida, from whence the returns were forbid to be sent to the Commissary General, as his deputy informs him; but as I afterwards sent particular directions to Colonel Taylor, acting Brigadier-General, concerning this matter, since his arrival at Pensacola, I am to hope they will at length be procured. When the returns shall be received, the expence arising from the provisions in that province, will be added to the inclosed estimate. As your Lordship pressed so strongly for the estimates, I send off without delay, all that I can procure, as they come in.

Extracts from the Manuscript Journal of the General Assembly of New-York, laid before Parliament. Assembly-Chamber, City-Hall, in the City of New-York, Die Luna, 11 ho. A. M. the 10th of November, 1766.

The General Assembly having on the 3d of July last, been prorogued to Tuesday the 7th of October next following, and his Excellency the Governor having, by several proclamations since published, farther prorogued them to this day, to meet upon business.

Fifteen members pursuant thereto, appearing in the Assembly-Chamber, Mr. Speaker took the chair.

Ordered, That Mr. Bayard and Colonel Livingston wait upon his Excellency the Governor, and acquaint him that a sufficient number of members are met to proceed upon business.

ness, and that they attend his directions.

Mr. Bayard reported, that Colonel Livingston and himself, had waited on his Excellency the Governor, and delivered their message, and that his Excellency had been pleased to say he would come up to the Council-Chamber in the City-Hall immediately, and send a message for the house.

A message from his Excellency the Governor, by Mr. Banyar, Deputy Secretary.

Mr. Speaker, His Excellency the Governor requires the immediate attendance of this house in the Council-Chamber, in the City-Hall.

Mr. Speaker left the chair, and the whole house attended accordingly, and being returned, he resumed the chair, and reported that his Excellency had been pleased to make a speech to the house, of which, to prevent mistakes, he had obtained a copy, which being read, is in the words following; viz.

Gentlemen of the Council, and Gentlemen of the General Assembly,

“The meeting of the General Assembly has been delayed beyond the usual time, as I was in daily expectation of receiving his Majesty’s commands, in regard to an humble representation made of the distress in which this colony would shortly be involved, through the want of a sufficient paper currency. And it is with the greatest satisfaction, that I can open this session with a fresh instance of his Majesty’s paternal regard and protection extended to this Province, who has been graciously pleased, under certain restrictions, to revoke that instruction, by which the Commander in Chief here was precluded from giving his consent to any act which should be framed for striking bills of credit, and issuing the same in lieu of money. The royal attention, so constantly paid to the sufferings of the people, and the late examples given of it, are such signal instances of his Majesty’s condescension and tenderness

for their interests, as cannot fail of exciting the warmest sentiments of gratitude in the minds of every subject, and be productive of the highest returns of duty and submission.

Gentlemen of the General Assembly,

“The great expence in which this colony has been engaged for some time past, and the difficulties which still subsist in regard to limits, between this and the neighbouring Provinces of Massachusetts and the Jerseys, have engaged me to ascertain as soon as possible, the line which his Majesty has been pleased to fix by his royal proclamation, for the boundary between this Province and Quebec, and after the necessary supplies of government are raised, I must recommend it to the General Assembly to make provision for the farther opening and continuing this line, in which I flatter myself, that the province of Quebec, equally interested in it, will readily contribute, as a mutual benefit will be derived from it. I must at the same time, earnestly request that proper measures may be taken to settle the boundaries between the different counties in this Province, and fix them by authority:—The want of a due attention to so necessary a service, has already given rise to many inconveniences, and the continual scenes of litigation and disorder, occasioned by vague and undetermined limits, call for redress in the strongest terms.

Gentlemen of the Council, and Gentlemen of the General Assembly,

“I shall, during the course of your session, take opportunities of laying before you some matters which have occurred to me during the late tour I made, and recommending to your consideration whatever may be conducive to the public service; as I am fully persuaded, that the legislative bodies will cheerfully co-operate with me in whatever can be proposed for his Majesty’s service, and the good of their country. H. MOORE.”

New-York, Nov. 10, 1766.

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Resolved,

Resolved, That his Excellency's speech be taken into consideration, to-morrow, by the house.

Assembly - Chamber, at the House of Matthew Erbeß, in the Out-Ward of the City of New-York, Die Martis, 10th Mo. A.M. the 11th of November, 1766.

To his Excellency Sir Henry Moore, Bart. Captain-General, and Governor in Chief, in, and over the Colony of New-York, and the Territories depending thereon in America, Chancellor and Vice-Admiral of the same.

The humble Address of the General Assembly of the said Colony.

May it please your Excellency,

We his Majesty's most dutiful subjects, the General Assembly of the Colony of New-York, return your Excellency our most hearty thanks for your speech.

The satisfaction your Excellency expresses in being permitted to relieve the distress this colony is fallen into, through the want of a medium of trade, cannot but be extremely agreeable to us, as it affords a further proof of your attention to, and concern for our interests.

We are deeply sensible of his Majesty's paternal care and tender regard for all his subjects, and we are confident we shall ever be ready to make such returns of duty and submission, as may be expected from the most loyal subjects to the best of sovereigns.

Had your Excellency been permitted, by the instructions you have received, to have passed a bill for the issuing of paper money in the usual manner, we should have been so cautious in the exercise of that power, that no person, either at home or abroad, would have been in the least danger of being injured in his property, and the public credit of this Colony would have been, as it ever has been, the object of our peculiar care and attention. But, since we fear that no bill for that purpose can be passed without a suspending clause, are determined to bear our distresses

as well as we are able, except your Excellency will be pleased, considering the pressing necessities we lay under, to pass a bill without such an unusual clause.

Your Excellency's care to settle the boundaries between this Colony and Quebec, will probably prevent many mischievous consequences which might otherwise arise from the neglect of a thing of that importance, and, for like reasons, we shall be ready to contribute all the assistance in our power, to enable your Excellency to settle, at least, a temporary line of jurisdiction between this Colony and the Province of the Massachusetts's Bay.

The settlement of the boundaries of the several counties in this Colony, where they are in a manner uncertain, we look upon as an object deserving the most serious attention of the legislature, and absolutely necessary to peace, order, and the due execution of the powers of government. We shall pay a due regard, therefore, to what your Excellency recommends on that subject, as well as to whatever else you shall think proper to lay before us during the course of this session, in which we shall be ambitious of demonstrating, that your Excellency has done us no more than strict justice, in supposing that we will cheerfully co-operate with you, in whatever can be proposed for his Majesty's service, and the good of this country. By order of the General Assembly, W. NICOLL, Speaker.
Assembly-Chamber, in the Out-Ward of the City of New-York, the 13th of November, 1766.

His Excellency's Answer.

Gentlemen of the General Assembly,
I return you my hearty thanks for this address, and for the sentiments you express of my attention to the public welfare. The assurances you give of acting cheerfully with me, in so good a cause, cannot fail of being productive of the greatest advantage to this Colony.

Mr.

Mr. Banyar, Deputy Secretary, brought to the House, from his Excellency the Governor, an additional instruction from his Majesty to him, which his Excellency desired might be communicated to the House, and being read, is in the words following:

Additional Instructions to our Trusty and Well-beloved Sir H. Moore, Bart. our Captain-General, and Governor in Chief of our Province of New-York, and the Territories depending thereon in America. Given at our Court at St. James's, the 15th Day of July, 1766, in the Sixth Year of our Reign.

George R.

L. S.

Whereas by the 20th Article of our General Instructions to you, given at our Court at St. James's, the day of _____, in the sixth year of our reign, you are strictly forbid to give your assent to any act within our Province of New-York, under your government, whereby paper bills may be struck or issued in lieu of money, unless upon sudden and extraordinary emergencies of government, in case of war, or invasion, and upon no other occasion whatever. And whereas it hath been represented unto us, that the currency of all the paper bills of credit now in circulation within our said Province of New-York, will, by the limitation of the laws by which they were respectively issued, cease and determine in the year 1768, by means whereof the commerce of our said Province, as well as the ordinary services of government there, will be exposed to great difficulty and inconvenience. It is, therefore, our will and pleasure, that the 20th Article of our said General Instructions to you, relative to the issue of paper bills of credit,

be, and it is hereby revoked and annulled. And it is our further will and pleasure, and you are hereby permitted and allowed to give your assent to any act or acts of Assembly of the said Province, for creating and issuing paper bills of credit, in lieu of, and for securing any sum or sums of money, not exceeding in the whole the sum of £260000 currency of that Province, provided that in such act or acts of Assembly, whereby such paper bills, or bills of credit, shall be created or issued, due care be taken to ascertain the real value of such paper bills, or bills of credit, and that an ample and sufficient fund be provided for calling in, sinking, and discharging the said bills within a reasonable time, not exceeding five years, and provided, that you do take care, in the passing of any act, or acts of Assembly for the purposes above-mentioned, that there be a clause, or clauses inserted, therein suspending and deferring the execution thereof, until our pleasure shall be known concerning the same.

G. R.

The House then resolved itself into a committee of the whole House, upon his Excellency's speech—after some time spent therein, Mr. Speaker resumed the chair, and Mr. Philip Livingston reported from the said committee, that they had made some progress therein, and had directed him to move that they may have leave to sit again.

Resolved, That his Excellency's speech be taken into further consideration to-morrow—and then the House adjourned till nine o'clock to-morrow morning.

Die Mercurii, 9 ho. A. M. the 12th of November, 1766.

Ordered, That the Treasurer of the Colony, do, by Tuesday the 25th instant, lay before this House, the several following accounts on oath, viz. "An account of the amount of the duty, laid by virtue of an act for

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granting

granting to his Majesty the several duties and impositions on goods, wares, and merchandizes imported into this Colony therein-mentioned, together with an account how much had been paid out of the same, from the 1st day of September, 1765, to the first day of September, 1766.

“An account of the amount of licences to hawkers and pedlars, from the 1st day of September, 1765, to the 1st day of September, 1766.

“An account of the amount of his receipts, from the several and respective loan-officers, distinguishing how much, on account of the principal, and how much for interest, since his last account thereof delivered.

“An account of his receipts on the excise fund since his last account thereof delivered—An account of his payments out of the £5000, lodged in his hands, by an act passed in the year 1765, for refreshing, &c. such of his Majesty's troops as may pass through this Colony, since his last account thereof delivered—An account of his receipts from the several and respective collectors and county Treasurers, on account of the several and respective taxes, and arrears of taxes due to this Colony, from the time that his last accounts thereof was delivered, until the day he delivered his accounts, distinguishing particularly, how much paid by each respective city and county, on what tax, and on what arrears of taxes.

“An account how much hath arisen by virtue of an act, intituled, An Act for laying a Duty of Tonnage on the Vessels, and for the Time therein-mentioned, from the 1st day of September, 1765, to the first day of September, 1766.

“An account of his receipts, by virtue of the several acts, enabling him to draw bills of exchange on Sir William Baker, Knt. and Robert Charles, Esq; for money allotted to this Colony by his Majesty, out of the parliamentary grants, towards re-

imbursing the Colonies the expence of the war, since his last account thereof delivered.

“An account of his receipts, by virtue of an act passed the 20th of October, 1764, intituled, An Act, appropriating the sum of £59250 of the monies therein-mentioned, for calling in, sinking, and cancelling bills of credit, to the amount of the missions therein-mentioned, together with an account of the bills of credit cancelled in consequence of the said act, since his last account thereof delivered.

“An account how much he hath received, pursuant to an act passed the 20th of December, 1763, intituled, An Act to empower John Cruger, Robert R. Livingston, Philip Livingston, Leonard Lilpenard, and William Bayard, Esqrs. to receive from the Colony of Pennsylvania, the sum of £4368 2s. 6d. sterling, overpaid to the said Colony out of the parliamentary grant, for the service of the year 1760, since his last account thereof delivered.

“An account of his payments, pursuant to an act passed the 20th of October, 1764.”
Die Martis, 9 ho. A. M. the 18th of November, 1766.

A message from his Excellency the Governor, by Mr. Banyar, Deputy-Secretary, which being read, is in the words following; viz.

Gentlemen of the General Assembly,

In consequence of a report made to the Lords Commissioners for Trade and Plantations, of the act passed in the last session of Assembly, for providing barracks, fuel, &c. for his Majesty's troops quartered in this city, and my letter to the Secretary of State on the same occasion, I have had the honor of the following letter from the Earl of Shelburne.

S I R, *Whitehall, Aug. 9, 1766.*

I took the first opportunity, after his Majesty had been most graciously pleased to entrust me with the seals of the southern department, to lay before

fore him your letter of the 20th of June, giving an account of the general satisfaction expressed by all ranks and degrees of people, on the repeal of the Stamp-act, and likewise your reasons for assenting to a bill for providing barracks, firewood, candles, bedding, and utensils for the kitchen, for the King's troops, as demanded, notwithstanding the articles of salt, vinegar, cyder, and beer, be not included, under a pretence that they are not provided for the troops lodged in the barracks in Europe.

I have his Majesty's commands to acquaint you of the satisfaction he feels in the happiness of his subjects, arising from the tender care and consideration of his Parliament. But I am ordered to signify to you, at the same time, that as it is the indispensable duty of his subjects in America to obey the acts of the legislature of Great Britain, the King both expects and requires a due and chearful obedience to the same, and it cannot be doubted that his Majesty's Province of New-York, after the lenity of Great Britain so recently extended to America, will not fail duly to carry into execution the act of parliament passed last session, for quartering his Majesty's troops, in the full extent and meaning of the act, without referring to the usage of other parts of his Majesty's dominions, where the legislature has thought fit to prescribe different regulations, and which cannot be altered any more than in North America, except upon a respectful and well-grounded representation of the hardship or inconvenience. These considerations, I am convinced must, of themselves, have so much weight with the Assembly of New-York, not only in the present conjuncture, when it is natural to suppose the minds of men retain sensible impressions of what has lately passed, but upon other occasions which may call for a ready obedience, that I cannot think it neces-

sary for me to enlarge further upon their importance—I must only, Sir, in general, add, that I hope and believe, that a very little time, together with that temporal administration of government, which your regard to the people under it, must make you naturally incline to, and that firmness which your duty to the King equally requires, will allay whatever remains of those heats, which have so unhappily for America prevailed, and which if continued, must prove of the most fatal consequence to whatever Province they are suffered in. I am, therefore, persuaded that the Assembly will lose no occasion that offers, of convincing his Majesty, that the people of New-York will yield to no other part of his subjects, in duty, loyalty, and obedience to such laws as the King and Parliament have thought proper to enact, for their benefit and protection.

(Signed)

SHELBURNE.

I flatter myself, that on a due consideration of this letter, no difficulties can possibly arise, or the least objection be made to the provision for the troops, as required by the act of parliament.

H. MOORE,

Fort-George, Nov. 17, 1766.

Ordered, That the said message be referred to the consideration of the committee, to whom his Excellency's speech is committed.

Die Mercurii, 9 ho. A. M. the 19th of November, 1766.

The House (according to order) resolved itself into a committee of the whole House upon his Excellency's speech—after some time spent therein, Mr. Speaker resumed the chair, and Mr. Philip Livingston reported the resolutions of the committee, which he read in his place, and afterwards delivered in at the table, where the same were again read and agreed to by the House, and are as follow, viz.

“Resolved, That it is the opinion of this committee, that there be allowed unto his Excellency Sir Henry Moore,

Moore, Bart, for administering the government of this Colony, from the 1st day of September, 1766, to the 1st day of September, which will be in the year 1767, after the rate of £2000 *per annum*.

“Resolved, That it is the opinion of this committee, that there be allowed unto his said Excellency, for providing firewood and candles for his Majesty’s Fort George, in the city of New-York, from the 1st day of September, 1766, to the 1st day of September, 1767, the sum of £400.

“Resolved, That it is the opinion of this committee, that there be allowed unto the Hon. Daniel Horsfenden, Esq; as Chief Justice of the Supreme Court of this Colony, and for going the circuits from the 1st day of September, 1766, to the 1st day of September, 1767, after the rate of £300 *per Annum*.

“That it is the opinion of this committee, that there be allowed unto the Hon. David Jones, Esq; as Second Justice of the Supreme Court of this Colony, and for going the circuits from and to the time aforesaid, after the rate of £200 *per annum*.

“Resolved, That it is the opinion of this committee, that there be allowed unto the Hon. William Smith, Esq; as Third Justice of the Supreme Court of this Colony, and for going the circuits from and to the time aforesaid, after the rate of £200 *per annum*.

“Resolved, That it is the opinion of this committee, that there be allowed unto the Hon. Robert R. Livingston, Esq; as Fourth Justice of the Supreme Court of this Colony, and for going the circuits from and to the time aforesaid, after the rate of £200 *per annum*.

“That it is the opinion of this committee, that there be allowed unto William Weyman, as public Printer of this Colony, for his services in that station, from and to the time aforesaid, after the rate of £50 *per annum*.

“Resolved, That it is the opinion of this committee, that there be allowed unto Abraham de Peyter, Esq; Treasurer of this Colony, for his services in that station, from and to the time aforesaid, after the rate of £200 *per annum*.

“Resolved, That it is the opinion of this committee, that there be allowed unto the said Treasurer, for the extraordinary services which he is now obliged to perform beyond the usual duty of his office, after the rate of the further sum of £100 *per annum*.

“Resolved, That it is the opinion of this committee, that there be allowed unto Robert Charles, Esq; Agent for this Colony in Great-Britain, as a reward for his care, trouble, and diligence, in attending upon his Majesty, and his ministers of state, in that station, from and to the time aforesaid, after the rate of £500 *per annum*.

“Resolved, That it is the opinion of this committee, that there be allowed unto John Tabor Kempe, Esq; his Majesty’s Attorney-General of this Colony, for several extraordinary services by him performed in that station, the sum of £150.

“Resolved, That it is the opinion of this committee, that there be allowed unto Abraham Lott, Esq; Clerk of the General Assembly, for his services in that station, from the 1st day of September, 1766, to the 1st day of September, 1767, twenty shillings *per diem*, payable upon a certificate from the General Assembly, signed by the Speaker, for the number of days he has served, or may serve the General Assembly.

“Resolved, That it is the opinion of this committee, that there be allowed for answering such necessary and contingent charges as may arise or happen for the service of this Colony, from the 1st day of September, 1766, to the 1st day of September, 1767, the sum of £100.

“Resolved,

"Resolved, That the foregoing several allowances be made payable out of the monies arisen, or which may arise by virtue of the following acts; viz.

"An act for granting to his Majesty the several duties and impositions on goods, wares, and merchandizes imported into this Colony therein-mentioned. And

"An Act to restrain hawkers and pedlars within this Colony, from selling without licence.

"Ordered, That a bill be brought in, pursuant to the said resolutions, and that Colonel Seaman and Mr. Schenk prepare and bring in the same."

Die Martis, 9th A. M. the 25th of November, 1766.

A message from his Excellency the Governor by Mr. Banyar, Deputy Secretary, which being read, is in the words following; viz,

Gentlemen of the General Assembly,

"Inclosed, is an account of what money has been paid to the officers of his Majesty's 28th regiment in quarters here, who were lodged in the town, as there was not sufficient room for them in the barracks provided for the two battalions and company of artillery, by act passed in the last session of Assembly. This sum has been advanced by the Mayor and corporation of this city, and agreeable to their request, it is now recommended to the House of Assembly, that they may be reimbursed. No money has been paid as yet, either to the officers of his Majesty's 46th regiment, or to the officers of the artillery. H. MOORE.

"Fort-George, Nov. 24, 1766."

Ordered, That the said message and account mentioned therein, be referred to the consideration of a committee of the whole House.

Abraham de Peytser, Treasurer of this Colony (according to order) attending at the door, was called in, and laid before the House the several accounts on oath; viz.

"An account of the produce of the tonnage fund, from the 1st day of September, 1765, to the 1st day of September, 1766, amounting to the sum of £406 18s. 4d. $\frac{1}{2}$.

"An account that he has received from the several and respective loan-officers, since his last account thereof delivered; viz.

For interest - - - £ 1375
On account of the principal £11375

"An account that he has received from the several collectors and county Treasurers, on account of the several taxes laid by several laws of this Colony, amounting from the 5th of December, 1765, to the 25th of November, 1766, to the sum of £17829 6s. 2d. $\frac{1}{2}$.

"An account that he has paid, pursuant to an act passed the 3^d of July, 1766, intitled, An Act to furnish the Barracks in the Cities of New-York and Albany, with Fire-wood and Candles, and the other Necessaries therein-mentioned, for his Majesty's Forces, the sum of £3200.

"An account that he has received from John Cruger, Philip Livingston, Robert R. Livingston, Leonard Lippenard, and William Bayard, Esqrs. on account of the £4368 2s. 6d. sterling, they were impowered by law to receive from the Colony of Pennsylvania, since his last account thereof delivered, the sum of £456 0s. 2d.

"An account that he has received for several bills of exchange drawn on Sir William Baker, Knt. and Robert Charles, Esq; since his last account thereof delivered, the sum of £4608.

"A general account of the amount of the several duties, &c. for supporting the government of this Colony, together with an account of the payments out of the same, from the 1st day of September, 1765, to the 1st day of September, 1766, wherein he charges himself with the balance due to this Colony on account of the said duties, &c. on the 1st day of September,

September, 1765, of the sum of —	£. s. d.	on the said 1st day of November, 1765.
With the sum of £4811 8s. 11d. $\frac{3}{4}$ received for the duty on rum, wine, brandy, &c. during the abovesaid time. —	2460 3 5 $\frac{3}{4}$	"Ordered, That the said letter and accounts be referred to the consideration of a committee."
And with the sum of £135 received for licence to hawkers and pedlars, during the abovesaid time —	4811 8 11 $\frac{3}{4}$	<i>Die Veneris, 9 ho. A. M. 5th of December, 1766.</i>
	135	The House taking into consideration the many grievances resulting from the act of parliament, restraining the issuing paper bills of credit to the inhabitants of this Colony, for want of a proper medium of trade.
And charges the Colony with sundry sums paid out of the said fund, amounting to the sum of —	£7406 12 5 $\frac{1}{2}$	"Resolved, That an humble address be prepared, in order to be presented to the parliament of Great-Britain, representing the hardships and inconveniences the inhabitants of this Colony lay under, for the want of a competent medium of trade, and praying relief.
And makes a balance due to the Colony on the 1st day of September, 1766, of the sum of —	£7111 4 6	"Ordered, That a committee be appointed to prepare the said address, and a committee was appointed accordingly."
	£ 295 7 11 $\frac{1}{2}$	<i>Die Martis, 9 ho. A. M. the 9th of December, 1766.</i>

Die Martis, 9 ho. A. M. the 2d of December, 1766.

Mr. Speaker communicated to the House the following letter and accounts; viz.

"A letter from his Honor the Lieutenant-Governor, dated the 1st instant, demanding payment for arrears of salary due to him, from the 1st of September to the 13th of November, 1765, and also for damages by him sustained on the 1st day of November, 1765.

"An account of Alexander Gordon, Esq; for a single sleigh lost on the said 1st day of November, 1765.

"An account of Dr. Jonathan Mallet, of a single horse-chaise, and part of harness, lost on the said 1st day of November, 1765.

"And an account of Andrew Gautier, for repairing the damages done to the house of Samuel Francis,

on the said 1st day of November, 1765.

"Ordered, That the said letter and accounts be referred to the consideration of a committee."

Die Veneris, 9 ho. A. M. 5th of December, 1766.

The House taking into consideration the many grievances resulting from the act of parliament, restraining the issuing paper bills of credit to the inhabitants of this Colony, for want of a proper medium of trade.

"Resolved, That an humble address be prepared, in order to be presented to the parliament of Great-Britain, representing the hardships and inconveniences the inhabitants of this Colony lay under, for the want of a competent medium of trade, and praying relief.

"Ordered, That a committee be appointed to prepare the said address, and a committee was appointed accordingly."

Die Martis, 9 ho. A. M. the 9th of December, 1766.

A message from his Excellency the Governor, by Mr. Banyar, Deputy-Secretary, which being read, is in the words following; viz.

Gentlemen,

"The inclosed accounts duly attested, of the workmen employed in the reparations and alterations of the house at the Fort, are now laid before the House of Assembly, and recommended for payment. H. MOORE.

Fort-George, Dec. 8, 1766."

Ordered, That the said message and accounts be referred to the consideration of a committee, and that it be an instruction to them to add a proper clause, or clauses to the bill now in committee, for paying Major James his losses, for paying so much of the said accounts as shall be found to be really and truly due thereon.

A message from his Excellency the Governor, by Mr. Banyar, Deputy-Secretary, which being read, is in the words following; viz.

Gentlemen,

Gentlemen,

" His Majesty's 28th and 46th regiments having been employed for some time in quelling the riots and disorders which had broke out in the counties of Dutchess and Albany, I now recommend it to the House of Assembly, that a compensation be made to them for the extraordinary necessities expended by them in the service of the government.

H. MOORE.

" *Fort George, Dec. 8, 1766.*"

A petition of Henry Van Shaack, of the city of Albany, merchant, was presented to the House, and read, praying an allowance for damages by him sustained on the 6th of January last, by disorders occasioned by the late Stamp-act, amounting, as by the accounts annexed to the said petition, to the sum of £103 1s. 6d.

Ordered, That the said petition and account be referred to the same committee.

The House resolved itself into a committee of the whole House, upon the bill, intituled, " An Act for paying Major Thomas James, the Losses by him sustained on the 1st of November, 1765," and the several other accounts referred to the committee on the said bill:—after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bayard reported the proceedings of the committee to have been in manner following; viz.

" That they had resolved to make the following allowances, and added proper clauses to the said bill, for paying unto Andrew Gautier, for repairing the house of Samuel Francis, for damages done thereto, on the 1st of November, 1765, the sum of

£404 6s. 5d.

Unto Jonathan Mallet, for damages by him sustained on the said 1st day of November, 1765, the sum of

£36 os. 0d.

And unto Henry Van Shaack,

of Albany for damages by him sustained on the 6th day of January, 1766, the sum of . £103 1s. 6d.

" That a letter from his Honor the Lieutenant-Governor to Mr. Speaker, of the 1st instant, demanding payment for arrears of salary, due to him from the 1st of September to the 13th of November, 1765, also for damages by him sustained on the 1st of November, 1765, was then read, and the same being maturely considered, the committee came to the following resolutions thereon; viz.

" Resolved, That it is the opinion of this committee, that the loss sustained by Lieutenant-Governor Colden, on the 1st day of November, 1765, was occasioned by his own misconduct, and that therefore no provision ought to be made for paying him the same.

" Resolved, That it is the opinion of this committee, that that part of the Lieutenant Governor's letter relating to the arrears of salary due to him, be referred to the consideration of the committee to whom his Excellency's speech is committed.

" Resolved, That the message of his Excellency the Governor, relating to the repairs done to the house in the Fort, with the accounts accompanying the same, be referred to the consideration of the committee to whom his Excellency's speech is committed."

Die Veneris, 9th Dec. A. M. the 12th of December, 1766.

The House (according to order) resolved itself into a committee of the whole House, upon the message of his Excellency the Governor, of the 17th of November last, relating to the provision required for his Majesty's troops quartered in this colony:—after some time spent therein, Mr. Speaker resumed the chair, and Mr. Philip Livingston reported the resolution of the committee thereon, which he read in

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his place, and afterwards delivered it in at the table, where the same was again read, and is as follows; viz.

“Resolved, That it is the opinion of this committee, that an humble address be presented to his Excellency the Governor, in answer to the said message, shewing that the General Assembly cannot, consistent with the trust reposed in them by their constituents, comply with the requisition made by the said message, and that the reasons thereof be set forth in the said address.

“Resolved, (*Nemine Contradicente*) That the House do agree with the committee in the said resolution.”

The House (according to order) resolved itself into a committee of the whole House upon his Excellency's speech, and the several other papers referred thereto:—after some time spent therein, Mr. Speaker resumed the chair, and Colonel Seaman, in behalf of Mr. Philip Livingston, reported the proceeding of the committee, which he read in his place, and afterwards delivered in at the table, where the same were again read and agreed to by the House, and are as follows; viz.

“That upon reading of the message from his Excellency the Governor, of the 8th instant, recommending a compensation to be made to the detachments of his Majesty's 28th and 46th regiments that were employed in quieting the disorders in the counties of Dutchess and Albany, Mr. Justice Livingston moved, that there be allowed to each private man of the 46th regiment the sum of twenty shillings, and to each private man of the 28th the sum of ten shillings, as a gratuity for their services.”

And a debate arising, and the question being put upon the said motion, it was carried in the negative, in the manner following; viz.

<i>For the Affirmative</i>	<i>For the Negative</i>
Col. Livingston	Mr. Speaker
Mr. Cruger	Mr. Kissam
Mr. Bayard	Mr. Boerum
Col. Philipse	Mr. Schenk
Mr. Holland	Mr. Thomas
Mr. de Lancey	Col. Haring
Mr. Justice Livingston	Mr. Philip Livingston
Mr. Miller	Capt. Seaman
	Col. Seaman.

[Upon all divisions, the names of the gentlemen, *for* and *against*, are entered upon the journals.]

Die Sabbati, 9 ho. A. M. the 13th of December, 1766.

The engrossed bill, intituled, “An Act for paying the Salaries and Services of the several Officers of the Government, from the 1st Day of September, One Thousand Seven Hundred and Sixty-Six, to the 1st Day of September, One Thousand Seven Hundred and Sixty-Seven, inclusive, and other Services therein mentioned,” was read the third time.

Resolved, That the bill do pass.

Ordered, That Mr. Cruger and Mr. Bayard do carry the bill to the Council, and desire their concurrence thereto.

A petition of Jacob Dyckman, junior, Benjamin Palmer, and John Vermillie, was presented to the House and read, praying a reimbursement of the expence they have been at in building a free bridge over Harlem River, nigh King's Bridge.

Ordered, That the said petition be referred to the consideration of the committee to whom the memorial of Col. Philipse is committed.

The House then resolved itself into a committee of the whole House upon the said memorial and petition:—after some time spent therein, Mr. Speaker resumed the chair, and Mr. Kissam reported the resolution of the committee, which he read in his place,

place, and afterwards delivered in at the table, and is as follows; viz.

“Resolved, That it is the opinion of this committee, that the further consideration of the said memorial and petition be postponed until the second Tuesday next, after the first meeting of this House, after the 1st day of May next.”

And the said resolution being again read,

“Resolved, That the House do agree with the committee in the said resolution.”

Die Luna, 3 ho. P. M. the 15th of December, 1766.

The engrossed address to his Excellency the Governor was read, and approved of by the House.

Ordered, That Mr. Speaker sign the said address in behalf of the House, which is in the following words; viz.

To his Excellency Sir Henry Moore, Bart. Captain-General and Governor in Chief in and over the Colony of New-York, and the Territories depending thereon in America, Chancellor, and Vice Admiral of the same. The Humble Address of the General Assembly of the said Colony.

May it please your Excellency,

We his Majesty's most dutiful and loyal subjects the General Assembly of the Colony of New-York, have taken your Excellency's message of the 17th of November last into our most serious consideration, and beg leave to assure your Excellency, that nothing would give us greater pleasure, than to find it in our power to comply with every requisition tending in any manner to promote his Majesty's service. It is, therefore, with great concern, that we find it impossible to comply with what is now demanded, consistent with our obligations to our constituents. We shall always be ready to give the amplest testimonies of our loyalty to his Majesty, and submission to his government, from which we humbly conceive we do not deviate,

when we shew a regard to the interests of his faithful subjects in this Colony, absolutely necessary to their preservation.

We hope it will be considered, that we are chosen to make such a provision for the support of his Majesty's government in this Colony (as well as for other important purposes) as is most suitable to the circumstances of the people we represent, and that we should be guilty of a breach of that most sacred trust, if we should load them with burthens we are incapable of supporting.

In the provision we made last session for quartering two battalions and one company of artillery, we loaded ourselves with a burthen much greater than any of the neighbouring governments lie under for that service, and imagined, that far from being censured on that account, it would be accepted as a new instance of that loyalty and affection to his Majesty's government, of which this Colony has exhibited so many proofs.

We beg leave further to represent to your Excellency, that by the act of parliament it appears to be the intention of the legislature to provide for the quartering soldiers only on a march, but according to the construction put on it here, it required that all the forces which shall at any time enter this Colony, shall be quartered during the whole year in a very unusual and expensive manner. That by the marching several regiments into this Colony, this expence would become ruinous and insupportable. And, therefore, we cannot, consistent with our duty to our constituents, put it in the power of any person (whatsoever confidence we may have in his prudence and integrity) to lay such a burthen on them.

We should be very sorry to differ from your Excellency on this or any other political subject, and therefore it is proper to offer these matters to your consideration, in hopes that they will be sufficient to demonstrate, that

the objections against making the provision required, are of a nature the most serious and weighty imaginable. And, therefore, we humbly intreat your Excellency to let our conduct in the most favourable, that is in its true light, by representing that our non-compliance on this occasion proceeds entirely from a just sense of what our duty requires. By order of the General Assembly.

W NICOLL, Speaker.

Assembly-Chamber, Dec. 15, 1766.

Resolved, That the said address be presented to his Excellency by the whole House.

Die Tertiis, 9 ho. A. M. the 18th of December, 1766.

Mr. Speaker reported, that the House had attended his Excellency the Governor with their humble address, according to his appointment, and that his Excellency had been pleased to return the following answer thereto; viz.

Gentlemen of the General Assembly,

It is with no small concern, that I find the sentiments of this House differing so much from mine, in regard to the subject matter of the address now presented to me, which shall by the first opportunity be transmitted to the Secretary of State, in order to be laid before his Majesty.

Die Veneris, 9 ho. A. M. the 19th of December, 1766.

A message from his Excellency the Governor, by Mr. Banyar, Deputy-Secretary.

Mr. Speaker, His Excellency the Governor requires the immediate attendance of this House in the Council Chamber, at the house of Mr. Matthew Ernest.

Mr. Speaker left the chair, and with the House attended accordingly, where his Excellency, in the presence of the Council, was pleased to give his assent to twenty acts passed this session.

And after the same was published in the usual manner; his Excellency

was pleased to prorogue the General Assembly till Tuesday the 10th day of March, 1767.

In page 5, it is noticed that the Assemblies of Massachusetts Bay and New-York, petitioned in 1764 against the resolution to charge stamp-duties in America; and that these petitions were suppressed. (*See Prior Documents, p. 5, first column.*)

[The Editor having been favoured with copies of these Petitions, inserts them as soon as possible.]

Copy of an Address to the King, from the Council and House of Burgesses of the Province of Virginia To the King's Most Excellent Majesty.

Most Gracious Sovereign,

We your Majesty's dutiful and loyal subjects, the Council and Burgesses of your ancient colony and dominion of Virginia, now met in General Assembly, beg leave to assure your Majesty of our firm and inviolable attachment to your sacred person and government: And as your faithful subjects here have at all times been zealous to demonstrate this truth, by a ready compliance with the royal requisitions during the late war, by which a heavy and oppressive debt of near half a million hath been incurred; so at this time they implore permission to approach the throne with humble confidence, and to entreat that your Majesty will be graciously pleased to protect your people of this Colony in the enjoyment of their ancient and inestimable right of being governed by such laws, respecting their internal polity and taxation, as are derived from their own consent, with the approbation of their sovereign or his substitute:—a right, which as men and the descendants of Britons, they have ever quietly possessed, since first by royal permission and encouragement they left the mother kingdom to extend its commerce and dominion.

Your

Your Majesty's dutiful subjects of Virginia most humbly and unanimously hope, that this invaluable birth-right, descended to them from their ancestors, and in which they have been protected by your royal predecessors, will not be suffered to receive injury under the reign of your sacred Majesty, already so illustriously distinguished by your gracious attention to the liberties of the people.

That your Majesty may long live to make nations happy, is the ardent prayer of your faithful subjects the Council and Burgesses of Virginia.

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

The Memorial of the Council and Burgesses of Virginia, now met in General Assembly.

Humbly Represents,

That your Memorialists hope an application to your Lordships, the fixed and hereditary guardians of British liberty, will not be thought improper at this time; when measures are proposed subversive, as they conceive, of that freedom which all men, especially those who derive their constitution from Britain, have a right to enjoy: and they flatter themselves that your Lordships will not look upon them as objects so unworthy your attention, as to regard any impropriety in the form or manner of their application, for your Lordship's protection of their just and undoubted rights as Britons.

It cannot be presumption in your memorialists, to call themselves by this distinguished name, since they are descended from Britons, who left their native country to extend it's territory and dominion, and who happily for Britain, and, as your Memorialists once thought for themselves too, effected this purpose. As our ancestors brought with them every right and privilege they could with justice claim, in their mother kingdom; their descendants may conclude they cannot

be deprived of those rights without injustice.

Your Memorialists conceive it to be a fundamental principle of the British constitution, without which freedom can no where exist; that the people are not subject to any taxes, but such as are laid on them by their own consent, or by those who are legally appointed to represent them: Property must become too precarious for the genius of a free people, which can be taken from them at the will of others, who cannot know what taxes such people can bear, or the easiest mode of raising them; and who are not under that restraint, which is the greatest security against a burthen some taxation, when the representatives themselves must be affected by every tax imposed on the people.

Your Memorialists are therefore led into an humble confidence, that your lordships will not think any reason sufficient to support such a power in the British parliament, where the colonies cannot be represented; a power never before constitutionally assumed, and which if they have a right to exercise on any occasion, must necessarily establish this melancholy truth, That the inhabitants of the colonies are the slaves of Britons, from whom they are descended, and from whom they might expect every indulgence, that the obligations of interest and affection can entitle them to.

Your Memorialists have been invested with the right of taxing their own people, from the first establishment of a regular government in the colony; and requisitions have been constantly made to them by their Sovereigns, on all occasions, when the assistance of the colony was thought necessary, to preserve the British interest in America, from whence they must conclude they cannot now be deprived of a right they have so long enjoyed, and which they have never forfeited.

The expences incurred during the

last war, in compliance with the demands on this colony, by our late and present most gracious Sovereigns, have involved us in a debt of near half a million; a debt not likely to decrease under the continued expence we are at in providing for the security of the people against the incursions of our savage neighbours, at a time when the low state of our staple commodity, the total want of specie, and the late restrictions upon the trade of the colonies, render the circumstances of the people extremely distressful, and which, if taxes are accumulated upon them by the British Parliament, will make them truly deplorable.

Your Memorialists cannot suggest to themselves any reason why they should not still be trusted with the property of their people, with whose abilities, and the least burthen some mode of taxing, (with great deference to the superior wisdom of Parliament) they must be best acquainted.

Your Memorialists hope they shall not be suspected of being actuated on this occasion by any principles but those of the purest loyalty and affection, as they always endeavoured, by their conduct, to demonstrate that they consider their connections with Great-Britain, the seat of Liberty, as their greatest happiness.

The duty they owe to themselves and their posterity, lays your Memorialists under the necessity of endeavouring to establish their constitution upon its proper foundation. And they do most humbly pray your Lordships to take this subject into your consideration, with the attention that is due to the well-being of the colonies, on which the prosperity of Great Britain does in a great measure depend.

To the Right Honourable the Knights, Citizens, and Burgesses of Great-Britain, in Parliament assembled.

The Remonstrance of the Council and Burgesses of Virginia.

It appearing by the printed votes of the House of Commons of Great-

Britain in parliament assembled, that in a committee of the whole House the 17th day of March last, it was resolved, That towards defending, protecting and securing the British colonies and plantations in America, it may be proper to charge certain stamp duties in the said colonies and plantations; and it being apprehended that the same subject which was then declined, may be resumed and further pursued in a succeeding session, the Council and Burgesses of Virginia met in General Assembly, judge it their indispensable duty in a respectful manner, but with decent firmness, to remonstrate against such a measure; that at least a cession of those rights, which in their opinion, must be infringed by that procedure, may not be inferred from their silence at so important a crisis,

They conceive it is essential to British liberty that laws imposing taxes on the people ought not to be made without the consent of representatives chosen by themselves; who, at the same time that they are acquainted with the circumstances of their constituents, sustain a proportion of the burthen laid on them. This privilege inherent in the persons who discovered and settled these regions, could not be renounced, or forfeited by their removal hither, not as vagabonds and fugitives, but licensed and encouraged by their Prince, and animated with a laudable desire of enlarging the British dominion, and extending its commerce; on the contrary it was secured to them and their descendants, with all other rights and immunities of British subjects, by a royal charter, which hath been invariably recognized and confirmed by His Majesty and his predecessors in their commissions to the several Governors, granting a power, and prescribing a form of legislation: according to which, laws for the administration of justice, and for the welfare and

and good government of the colony, have been enacted by the Governor, Council and General Assembly; and to them requisitions and applications for supplies have been directed by the crown. As an instance of the opinion which former sovereigns entertained of these rights and privileges, we beg leave to refer to three acts of the General Assembly, passed in the thirty-second year of the reign of King Charles the Second (one of which is intitled, *An act for raising a publick revenue for the better support of the government of His Majesty's Colony of Virginia*, imposing several duties for that purpose) which being thought absolutely necessary, were prepared in England, and sent over by their then Governor, the Lord Culpepper, to be passed by the General Assembly, with a full power to give the royal assent thereto; and which were accordingly passed after several amendments were made to them here. Thus tender was His Majesty of the rights of his American subjects: and the remonstrants do not discern by what distinction they can be deprived of that sacred birthright and most valuable inheritance, by their fellow-subjects; nor with what propriety they can be taxed or affected in their estates by the parliament, wherein they are not, and indeed cannot, constitutionally be represented.

And if it were proper for the parliament to impose taxes on the colonies at all, which the remonstrants take leave to think would be inconsistent with the fundamental principles of the constitution, the exercise of that power at this time would be ruinous to Virginia, who exerted herself in the late war it is feared beyond her strength; insomuch that to redeem the money granted for that exigence, her people are taxed for several years to come: this, with the large expences incurred for defending the frontiers against the restless In-

dians, who have infested her as much since the peace as before, is so grievous that an increase of the burthen will be intolerable; especially as the people are very greatly distressed already from the scarcity of circulating cash amongst them, and from the little value of their staple at the British markets.

And it is presumed, that adding to that load which the colony now labours under, will not be more oppressive to her people than destructive of the interest of Great-Britain: for the plantation trade, confined as it is to the mother-country, hath been a principal means of multiplying and enriching her inhabitants; and if not too much discouraged, may prove an inexhaustible source of treasure to the nation. For satisfaction in this point, let the present state of the British fleet and trade be compared with what they were before the settlement of the colonies; and let it be considered, that whilst property in land may be acquired on very easy terms, in the vast uncultivated territory of North America, the colonists will be mostly, if not wholly employed in agriculture; whereby the exportation of their commodities to Great-Britain, and the consumption of their manufactures supplied from thence, will be daily increasing. But this most desirable connection between Great-Britain and her colonies, supported by such an happy intercourse of reciprocal benefits as is continually advancing the prosperity of both, must be interrupted, if the people of the latter, reduced to extreme poverty, should be compelled to manufacture those articles they have been hitherto furnished with from the former.

From these considerations it is hoped that the Honourable House of Commons will not prosecute a measure, which those who may suffer it cannot but look upon as fitter for exiles driven from their native country

try after ignominiously forfeiting her favours and protection, than for the posterity of Britons, who have at all times been forward to demonstrate all due reverence to the mother-kingdom, and are so instrumental in promoting her glory and felicity; and that British patriots will never consent to the exercise of anti-constitutional power; which even in this remote corner may be dangerous in its example to the interior parts of the British empire, and will certainly be detrimental to its commerce.

To the Honourable the Commons of Great-Britain in Parliament assembled.

The Petition of the Council and House of Representatives of his Majesty's Province of Massachusetts-Bay,

Most humbly sheweth,

That the act passed in the last session of parliament entitled, *An act granting certain duties in the British colonies and plantations in America, &c.* must necessarily bring many burdens on the inhabitants of those colonies and plantations, which your petitioners conceive, would not have been imposed, if a full representation of the state of the colonies had been made to this honourable house.

That the duties laid upon foreign sugars and molasses by a former act of parliament, entitled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America*: if the act had been executed with rigor, must have had the effect of an absolute prohibition.

That the duties laid on those articles by the present act still remain so great, that, however otherwise intended, they must undoubtedly have the same effect.

That the importation of foreign molasses into this province in particular, is of the greatest importance, and a prohibition will be prejudicial to many branches of its trade, and will lessen the consumption of the manufactures of Great-Britain.

That this importance does not arise merely nor principally from the necessity of foreign molasses, in order to its being consumed or distilled within this province.

That if the trade for many years carried on for foreign molasses can no longer be continued, a vent cannot be found for more than one half the fish of inferior quality, which is caught and cured by the inhabitants of this province; the French permitting no fish to be carried by foreigners to any of their islands, unless it be bartered or exchanged for molasses.

That if there be no sale of fish of inferior quality, it will be impossible to continue the fishery; the fish usually sent to Europe will then cost so dear, that the French will be able to undersell the English at all the European markets, and by this means one of the most valuable returns to Great-Britain will be utterly lost, and that great nursery of seamen destroyed.

That the restraints laid upon the exportation of timber, boards, staves, and other lumber from the colonies to Ireland and other parts of Europe, except Great-Britain, must greatly affect the trade of this province, and discourage the clearing and improving the lands which are yet uncultivated.

That the powers given by the late act to the court of vice-admiralty constituted over all America, are so expressed, as to leave it doubtful, whether goods seized for illicit importation in any of the colonies, may not be removed to any other colony where the judge may reside, although at many hundred miles distance from the place of seizure.

That, if this construction should be admitted, many persons, however legally their goods may have been imported, must lose their property, merely from an inability of following after it, and making that defence which they might do, if the trial had been

been in the colony where the goods were seized; that this construction would be so much the more grievous, seeing that in America, the officers by this act are indemnified in case of seizure, whensoever the judge of admiralty shall certify that there was probable cause; and the claimant can neither have costs, nor maintain an action against the persons seizing, how much soever he may have expended in defence of his property.

That the extension of the powers of courts of vice-admiralty, have, so far as the jurisdiction of the said courts have been extended, deprived the colonies of one of the most valuable of English liberties, trials by juries.

That every act of parliament, which in this respect distinguishes his Majesty's subjects in the colonies, from their fellow-subjects in Great-Britain, must create a very sensible concern and grief.

That there have been communicated to your petitioners sundry resolutions of the House of Commons in their last session, for imposing stamp duties or, taxes upon the inhabitants of the colonies, consideration whereof was referred to the next session.

That your petitioners acknowledge with all gratitude, the tenderness of the legislature of Great-Britain, of the liberties and privileges of the subjects in the colonies, who have always judged by their representatives, both of the way and manner in which internal taxes should be raised within the respective governments.

That they humbly hope the colonies in general have so demeaned themselves, more especially during the late war, as still to deserve the continuance of all those liberties and privileges which they have hitherto enjoyed.

That although during the war the taxes upon the colonies were greater

than they have been since the conclusion of it, yet the sources by which the inhabitants were enabled to pay their taxes having ceased, and their trade being decayed, they are not so able to pay the taxes they are subjected to in time of peace, as they were the greater taxes in time of war.

That one principal difficulty which has ever attended the trade of the colonies proceeds from the scarcity of money, which scarcity is caused by the balance of trade with Great-Britain, which has been continually against the colonies.

That the drawing sums of money from the colonies from time to time, must distress the trade to that degree, that eventually Great-Britain must lose more by the diminution of the consumption of her manufactures, than all the sums which it is possible for the colonies thus to pay can countervail.

That they humbly conceive, if the taxes which the inhabitants of this province are obliged annually to pay towards the support of the internal government, the restraint they are under in their trade, for the benefit of Great-Britain, and the consumption thereby occasioned of British manufactures be all considered, and have their due weight, it must appear, that the subjects in this province, are as fully burthened as their fellow-subjects in Britain, and that they are, whilst in America, more beneficial to the nation than they could be if they should be removed to Britain, and there held to a full proportion of the national taxes and duties of every kind.

Your petitioners therefore most humbly pray, that they may be relieved from the burdens, which they have humbly represented to have been brought upon them by the late act of parliament, as to the wisdom of the

honour.

honourable house shall seem meet; that the privileges of the colonies, relative to their internal taxes, which they have so long enjoyed, may still be continued to them, or that the consideration of such taxes upon the colonies may be referred until your petitioners, in conjunction with the other governments, can have opportunity to make a more-full representation of the state and condition of the colonies, and the interest of Great-Britain with regard to them.

* * * *The Petitions and Representations from New-York, Rhode-Island, &c. are to the same effect.*

On Friday the 15th of May, 1767, Mr. Fuller having reported to the House of Commons from the committee of the whole house, to whom it was referred, to consider of the several papers which had been presented to the house this session of parliament, relating to the North American colonies—several resolutions, importing, That it appeared to the committee, that the House of Representatives of his Majesty's province of New-York, have, in direct disobedience of the authority of the legislature of Great-Britain, refused to make provision for supplying with necessaries his Majesty's troops, in such manner as is required by an act of parliament, made in the 5th year of his Majesty's reign, intituled, 'An act to amend and render more effectual, in his Majesty's dominions in America, an act passed in this present session of parliament, entitled, 'An act for punishing mutiny and desertion, and for the better payment of the army and their quarters.'

Also that it appeared to the committee, that an act of assembly hath been passed in the said province, for furnishing the barracks in the cities of New-York and Albany, with fire-

wood and candles, and other necessities therein mentioned, for his Majesty's forces, inconsistent with the provisions, and in opposition to the directions of the said act of parliament.

Also, that it is the opinion of the committee, that until provision shall have been made by the said Assembly, for furnishing the King's troops, with all the necessaries required by the said act of parliament, the governor, council, and assembly, be respectively restrained and prohibited from passing or assenting to any act of Assembly, for any other purpose whatever;—and in consequence of these resolutions, a bill was brought in, and passed.

In the debate on this bill Governor Pownall said, Are you determined from hence to direct and regulate the quartering of the King's troops in North America?—Do it in a way that bring it home to the executive power there, to carry your directions and regulations into execution; explain and amend your act: make it practicable; make it effective; and then you may fairly decide whether they deny your sovereignty or not. You will find they do not. If you think your way of making an adequate and certain provision for the charge of this service, is *by the parliament's imposing a tax upon the people for that purpose*; and that you have power, and it is advisable to exert that power, to effectuate such supply, by such tax, you need not hesitate to avow it openly and directly; for the people of the colonies, from one end of the continent to the other, do invariably consider the clause in the act of parliament, directing *how* that charge shall be supplied, as an *internal tax imposed upon them*.—It is from this idea, that every act of obedience, as well as of disobedience to your act of parliament, must be construed and explained.

ed. Those whom you are willing to understand as having obeyed your act, have contrived to do it in a mode which neither recognizes the act of parliament, nor submits to the taxation—as such. And although you represent the assembly of the province of New-York alone, as having revolted against this power—believe me, *there is not a province, a colony, or a plantation, that will submit to a tax thus imposed*, more than New-York will. All have shewn their readiness to execute this service of quartering as an act of their own—all have, in their zeal to provide for it, by a grant of their own, provided a supply to answer the expence;—but not one single assembly has or ever will, act under the powers and provisions of this act, as acknowledging, and, in consequence thereof apportioning, assessing, and levying, the supply, as a tax imposed by parliament. They have either acted without taking notice at all of this act of parliament, or have contrived some way or other to vary in some particulars, sufficient to make the execution and the tax an act of their own.—Try the conduct of every province and colony through by this rule, and you will find nothing particular in the case of New-York—*Don't fancy that you can divide the people upon this point*, and that you need only divide to govern—you will by this conduct only unite them the more inseparably—you will make the cause of New-York a common cause and will call up every other province and colony to stand forth in their justification—while New-York, learning from the complexion of your measure, how to avoid or evade the purport of your enforcing bill, will suspend the force of it, instead of it suspending the assembly of that province, against whom it is brought forward.

The clause in the quartering act, directing that the supply for reim-

bursing the expence of quartering the troops *shall be raised* by the respective assemblies of the provinces or colonies—which is by all the people of America, considered as (and is indeed) a tax imposed by parliament, *has brought in fact, into discussion, the question of the right of taxation*, which the cautious and (what I think) imprudent wisdom of many have endeavoured to keep wrapped up and suspended in theory.—Those things which schemes of policy wished to hold in question—acts and deeds will bring into decision. You have, on one hand, by your declaratory law, asserted your right and power of taxation over the colonies, and so far as this act goes, you have exerted that power. On the other hand, it is a fact which the House ought to be apprized of in all its extent, THAT THE PEOPLE OF AMERICA, UNIVERSALLY, UNITEDLY, AND UNALTERABLY, ARE RESOLVED NOT TO SUBMIT TO ANY INTERNAL TAX IMPOSED UPON THEM BY ANY LEGISLATURE, IN WHICH THEY HAVE NOT A SHARE BY REPRESENTATIVES OF THEIR OWN ELECTION.

“This claim must not be understood, as though it were only the pretences of party-leaders and demagogues; as though it were only the visions of speculative enthusiasts; as though it were the mere ebullition of a faction which must subside; as though it were only temporary or partial—it is the cool, deliberate, principled maxim of every man of business in the country.”

The following Petition from the Merchants of New-York, was presented to the House of Commons in this session.

This petition set forth, ‘That the commerce of the North American colonies is so severely clogged and restricted by the statutes of the 4th and

6th of his present Majesty's reign, as to afford a melancholy presage of its destruction, the fatal effects of which, though first felt there, must be finally transferred to Great Britain, and center with her merchants and manufacturers: that an evil so extensive, could not fail of alarming the petitioners, whose situation exposes them to the first impression of this calamity; whence they think it their duty to implore the house to resume the consideration of the plantation trade, for effectual redress. It is the singular disadvantage of the Northern British colonies, that, while they stand in need of vast quantities of the manufactures of Great Britain, the country produces very little that affords a direct remittance thither in payment, and therefore from necessity they have been driven to seek a market for their produce, and by a course of traffic, to acquire either money or such merchandize, as would answer the purpose of a remittance, and enable them to sustain their credit with their mother country: as the nature of the petitioners commerce, when free from the late restraints, ought to be understood, they beg leave to observe, that their produce then sent to our own and the foreign islands, was chiefly bartered for sugar, rum, melasses, cotton, and indigo; that the sugar, cotton, and indigo, served as remittance to Great Britain, which the rum and melasses constituted essential branches of their commerce, and enabled them to barter with our own colonies for fish and rice, and by that means to pursue a valuable trade with Spain, Portugal and Italy, where they chiefly obtained money, or bills of exchange in return, and likewise qualified them for adventures to Africa, where they had the advantage of putting off great quantities of British manufactures, and of receiving in exchange gold, ivory, and slaves, which

last being disposed of in the West India Islands, commanded money or bills: rum was indispensable in their Indian trade, and with British manufactures, procured furs and skins, which both served for considerable returns to Great Britain, and increased its revenue. The trade to the bay of Honduras was also of great importance, it being managed with small cargoes of provisions, rum, and British manufactures, which, while they were at liberty to send foreign logwood to the different ports in Europe furnished them with another valuable remittance. From this view, it is evident that sugar, rum, melasses and logwood, with cotton and indigo, are the essentials of their return cargoes, and the chief sources, from which, in a course of trade they have maintained their credit with Great Britain. That considering the prodigious consumption of the produce of the West Indies in Great Britain, Ireland, and the colonies on the continent of America; the rapid increase of those colonies; the vast accession of subjects by the late conquests; the utter incapacity of our own island to supply so great a demand, will, the petitioners presume, be out of all question; on the other hand, the lumber produced from clearing this immense territory, and the provisions extracted from a fertile soil, must raise a supply for exportation much greater than all our islands can consume; it seems therefore consistent with sound policy, to indulge those colonies both in the free and unrestrained exportation of all the lumber and produce they can spare, and an ample importation of sugar, rum and melasses, to supply the various branches of their trade; since without the one the clearing of lands will be discouraged; and provisions, for want of vent, become of little profit to the farmer; without the other, the pe-

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tioners must be plunged into a total incapacity of making good their payments of British debts; their credit must sink, and their imports from Great Britain gradually diminish, till they are contracted to the narrow compass of remittances, in articles of their own produce; whence the colonies must, from inevitable necessity, betake themselves to manufactures of their own, which will be attended with consequences very detrimental to those of Great Britain.

The petitioners having thus represented the nature of their commerce, humbly beg leave to point out the several grievances under which it labours, from the regulations prescribed by the two before-mentioned acts. The heavy embarrassments, which attend the article of sugar, is a capital subject of complaint; and, besides the absolute necessity of a great importation to sustain their trade, it often happens, that at the foreign islands a sufficient return-cargo independent of sugar, cannot be procured, which renders trade precarious and discouraging; besides, the high duty of 5s. sterling a hundred, is found by experience to be so excessive, that it has induced the fair trader to decline that branch of business, while, to people less scrupulous, it presents an irresistible temptation to smuggling. That the pressure of this duty is not aggravated, the petitioners appeal to the officers of the customs of their port, who must confess that there have not been wanting instances where merchants have been driven to the disagreeable necessity of bringing their very plate into the custom-house to discharge it. The petitioners therefore most humbly intreat that a more moderate duty be laid on foreign sugars, which, they are assured, would not only greatly promote the prosperity both of those colonies and their mother country, but encrease the

royal revenue far beyond what can be expected under the present restraints. The compelling merchants to land and store foreign sugars in Great Britain, before they are exported to other parts of Europe, is another expensive and dilatory restriction, without being of any material advantage to the revenue of Great Britain; for it puts it out of the petitioners power to meet foreigners at market upon an equal footing. That British plantation sugar exported from North America, should be declared French on being landed in England, the petitioners conceive may be justly classed among the number of hardships inflicted by those regulations, as in effect it deprives them of making a remittance in that article, by exposing them to the payment of the foreign duty in Great Britain, which appears the most severe, as their fellow-subjects of the islands are left at liberty to export those sugars for what they really are, and a distinction is formed which the petitioners cannot but regard with uneasiness. That foreign rum, French excepted, is the next article which the petitioners most humbly propose for consideration, as its importation, on a moderate duty, would add considerably to the revenue, prevent smuggling, encrease the sale of British manufactures, and enable the petitioners to bring back the full value of their cargoes, more especially from the Danish islands of St. Thomas and St. Croix, where they can only receive half the value in sugar and cotton, and consequently rum alone can be expected for the other half, those islands having no spice but of a base kind. That it is with the greatest concern the petitioners observe, that foreign logwood is also made subject to the delay, hazard, and expence of being landed in Great Britain; which with its low price, its bulk, and the duty

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with which it is now burthened, must totally destroy that valuable branch of the petitioners commerce, and throw it into the hands of foreigners unfettered with those heavy embarrassments. That their lumber and pot-ash, even when shipped for Ireland, where the latter is so necessary for the progress of their linen manufacture, and even provisions, though intended to relieve that kingdom from a famine, are subject to the same distressing impediments; nor is flax-seed on the timely importation of which the very existence of the linen manufacture immediately depends, exempted: yet both flax-seed, lumber, and pot-ash, may all be imported into Ireland directly from the Baltic, where they are purchased from foreigners under the national disadvantage of being paid for with money instead of manufactures; the petitioners, therefore, humbly beg leave to express their hopes, that an evil so highly prejudicial to them, to the staple of Ireland, and to the trade and manufactures of Great Britain, will not fail of obtaining the attention of the House, and an immediate and effectual redress. The petitioners beg leave further to represent, that the wines from the islands, in exchange for wheat, flour, fish and lumber, would considerably augment the important article of remittance, was the American duty withdrawn on exportation to Great Britain: it is therefore humbly submitted to the House, whether such an expedient, calculated at once to attach the inhabitants to husbandry, by increasing the consumption of American produce, to encourage British manufactures by enabling the petitioners to make good their payments, and to increase the royal revenue by an additional import of wines into Great Britain, will not be consistent with the united interests both of the mother country and her

colonies. The petitioners also conceive that the North American fishery is of the highest national importance, since, by annually employing so great a number of shipping, it constitutes a respectable nursery for seamen, and is so advantageous in remittances in payment for British manufactures; whence the petitioners humbly presume it will be cherished by the House, and every impediment removed that tends to check its progress. The enlarging the jurisdiction of the admiralty is another part of the fourth of his Majesty's reign, very grievous to the trade and navigation of the colonies, and oppressive to the subjects. The petitioners beg leave to express their warmest sentiments of gratitude for the advantages intended by parliament in the opening free ports in the islands of Jamaica and Dominica; yet, at the same time, cannot but lament their being so unhappy as to be unable to reap the benefits, which, it was imagined, would flow from so wise a policy. The collecting great quantities of the produce of Martinico, Guadaloupe, &c. at the island of Dominica, would be of real advantage to the colonies, were they permitted to take them in return for their lumber and provisions; but as they are now prohibited from taking any thing but melasses, the petitioners think it evident, that they can derive no substantial advantage under such a restraint, and are unable to discern the principle on which the prohibition is founded; for since sugar may be imported directly from the foreign islands, it seems much more reasonable to suffer it from a free port belonging to Great Britain. The petitioners, therefore humbly hope, that the House will think it equitable to adapt this trade to their circumstances, by granting them liberty to import into the colonies all West India productions, in exchange
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for their commodities; and that, upon the whole, the petitioners, with the greatest anxiety, find themselves obliged to inform the House, that although, at the last session, the necessity of relieving the trade of those colonies seems to have been universally admitted, and the tender regard of parliament for their happiness highly distinguished; nevertheless, experience has evinced, that the commercial regulations then enacted, instead of remedying, have encreased the heavy burthen under which it already laboured. Hence, upon due consideration, nothing can be more manifest, than that the ability of those colonies to purchase the manufactures of Great Britain, immediately depends upon, and is inseparably connected with the progress of their commerce; and that ability, by removing the necessity of home manufactures, would leave them at liberty to pursue agriculture, in which their interest consists. The petitioners, therefore, pray the house to take the above into consideration, and to grant such relief therein as shall be thought consistent with good policy, and the mutual interests of Great Britain and her colonies.

The petition was ordered to lie upon the table: no other notice was taken of it.

*A Letter to Dennis De Berdt, Esq;
Agent for the House of Representatives,*

*Province of the Massachusetts-Bay,
January 12, 1768.*

S I R,

Since the last sitting of the general court, divers acts of parliament relating to the colonies have arrived here: and as the people of this province had no share in the framing those laws, in which they are so deeply interested, the House of Representatives, who are constitutionally entrusted by them as the guardians of their rights and liberties, have

thought it their indispensable duty carefully to peruse them; and having so done, to point out such matters in them as appear to be grievous to their constituents, and to seek redress.

The fundamental rules of the constitution are the grand security of all British subjects; and it is a security which they are all equally entitled to in all parts of his Majesty's extended dominions. The supreme legislative, in every free state, derives its power from the constitution, by the fundamental rules of which it is bounded and circumscribed. As a legislative power is essentially requisite, where any powers of government are exercised, it is conceived, the several legislative bodies in America were erected, because their existence, and the free exercise of their power within their several limits, are essentially important and necessary, to preserve to his Majesty's subjects in America the advantages of the fundamental laws of the constitution.

When we mention the rights of the subjects in America, and the interest we have in the British constitution, in common with all other British subjects, we cannot justly be suspected of the most distant thought of an independency on Great Britain. Some, we know, have imagined this of the colonists; and others may perhaps have industriously propagated it, to raise groundless and unreasonable jealousies of them: but it is so far from the truth, that we apprehend the colonies would refuse it if offered to them, and would even deem it the greatest misfortune to be obliged to accept it. They are far from being insensible of their happiness in being connected with the mother country, and of the mutual benefits derived from it to both: it is therefore the indispensable duty of all, to cultivate and establish a mutual harmony, and to promote the intercourse of good offices

fices between them: and while both have the free enjoyment of the rights of our happy constitution, there will be no grounds of envy and discontent in the one, nor of jealousy and mistrust in the other.

It is the glory of the British constitution, that it hath its foundation in the law of God and nature: It is an essential natural right, that a man shall quietly enjoy, and have the sole disposal of his own property: this right is adopted into the constitution: this natural and constitutional right is so familiar to the American subjects, that it would be difficult, if possible, to convince them, that any necessity can render it just, equitable, and reasonable, in the nature of things, that the parliament should impose duties, subsidies, talliages, and taxes, upon them, internal or external, for the sole purpose of raising a revenue. The reason is obvious; because they cannot be represented; and therefore their consent cannot be constitutional-ly had in parliament.

When the parliament, soon after the repeal of the stamp-act, thought proper to pass another act, declaring the authority, power, and right of parliament to make laws that should be binding on the colonies in all cases whatever, it is probable, that acts for levying taxes on the colonies, external and internal, were included: for the act made the last year, imposing duties on paper, glass, &c. as well as the sugar-acts and the stamp-act, are, to all intents and purposes, in form as well as in substance, as much revenue acts as those for the land-tax, customs and excises in England. The necessity of establishing a revenue in America is expressly mentioned in the preambles: they were originated in the honourable House of Commons, as all other money and revenue bills are; and the property of the colonies, with the

same form, ceremony and expressions of loyalty and duty, is thereby given and granted to his Majesty, as they usually give and grant their own. But we humbly conceive that objections to acts of this kind may be safely, if decently made, if they are of dangerous tendency in point of commerce, policy, and the true and real interest of the whole empire. It may, and if it can, it ought to be made to appear, that such acts are grievous to the subject, burthensome to trade, ruinous to the nation, and tending on the whole to injure the revenue of the crown. And surely, if such mighty inconveniencies, evils and mischiefs can be pointed out with decency and perspicuity, there will be the highest reason not only to hope for, but fully to expect redress.

It is observable, that though many have disregarded life and contemned liberty, yet there are few men who do not agree that property is a valuable acquisition, which ought to be held sacred. Many have fought, and bled, and died for this, who have been insensible to all other obligations. Those who ridicule the ideas of right and justice, faith and truth among men, will put a high value upon money: property is admitted to have an existence even in the savage state of nature: the bow, the arrow, and the tomahawk: the hunting and the fishing ground, are species of property as important to an American savage, as pearls, rubies and diamonds are to the Mogul or a Nabob in the East, or the lands, tenements, hereditaments, messuages, gold and silver of the Europeans. And if property is necessary for the support of savage life, it is by no means less so in civil society. The Utopian schemes of levelling, and a community of goods, are as visionary and impracticable, as those which vest all property, in the crown, are arbitrary, despotick,

spotick, and in our government unconstitutional. Now, what property can the colonists be conceived to have, if their money may be granted away by others without their consent? This must certainly be the present case: for they were in no sense represented in parliament when this act for raising a revenue in America was made. The stamp-act was grievously complained of by all the colonies: and is there any real difference between this and the stamp-act? They were both designed to raise a revenue in America, and in the same manner, viz. by duties on certain commodities: the payment of the duties imposed by the stamp-act might have been eluded by a total disuse of the stamped paper; and so may the payment of these duties, by the total disuse of the articles on which they are laid: but in neither case without difficulty. Therefore the subjects here are reduced to the hard alternative, either of being obliged totally to disuse articles of the greatest necessity in common life, or to pay a tax without their consent.

The security of right and property is the great end of government: surely then, such measures as tend to render right and property precarious, tend to destroy both property and government; for these must stand and fall together. It would be difficult, if possible, to shew, that the present plan of taxing the colonies is more favourable to them, than that put in use here before the revolution. It seems, by the event, that our ancestors were in one respect, not in so melancholy a situation as we their posterity are. In those times, the crown and the ministers of the crown, without the intervention of the parliament, demolished charters, and levied taxes on the colonies at pleasure. Governor Andros, in the time of James the second, declared, that wherever an Englishman sets his foot, all he hath is the king's: and Dudley

declared at the council board, and even on the sacred seat of justice, that the privilege of Englishmen, not to be taxed without their consent, and the laws of England, would not follow them to the ends of the earth. It was also, in those days, declared in council, that the king's subjects in New-England did not differ much from slaves; and that the only difference was, that they were not bought and sold: but there was, even in those times, an excellent Attorney-General, Sir William Jones, who was of another mind; and told King James, that he could no more grant a commission to levy money on his subjects in Jamaica, though a conquered island, without their consent by an assembly, than they could discharge themselves from their allegiance to the English crown. But the misfortune of the colonists at present is, that they are taxed by parliament without their consent: this, while the parliament continues resolved to tax us, will ever render our case, in one respect, more deplorable and remediless, under the best of kings, than that of our ancestors was, under the worst. They found relief by the interposition of parliament: but by the intervention of that very power, we are taxed, and can appeal for relief from their final decision to no power on earth; for there is no power on earth above them.

The original contract between the King and the first planters here, was a royal promise in behalf of the nation, and which till very lately it was never questioned but the King had a power to make; namely, that if the adventurers would, at their own cost and charge, and at the hazard of their lives and every thing dear to them, purchase a new world, subdue a wilderness, and thereby enlarge the king's dominions, they and their posterity should enjoy such rights and privileges as in their respective char-

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ters are expressed; which are in general all the rights, liberties and privileges of his Majesty's natural born subjects within the realm. The principal privilege implied, and in some of their charters expressed, is a freedom from all taxes but such as they shall consent to in person, or by representatives of their own free choice and election. The late king James broke the original contract of the settlement and government of these colonies: but it proved happy for our ancestors in the end that he had also broken the original compact with his three kingdoms. This left them some gleam of hope: this very thing, finally, was the cause of deliverance to the nation and the colonies, nearly at the same time: it was the parliament, the supreme legislative and constitutional check on the supreme executive, that in time operated effects worthy of itself: the nation and her colonies have since been happy, and our princes patriot kings. The law and reason teaches that the King can do no wrong; and that neither king nor parliament are otherwise inclined than to justice, equity and truth: but the law does not presume that the King may not be deceived, nor that the parliament may not be misinformed: if therefore any thing is wrong, it must be imputed to such causes: how far such causes have taken place and operated against the colonies, is humbly submitted to the revision and reconsideration of all.

By the common law, the colonists are adjudged to be natural-born subjects! So they are declared by royal charter; and they are so, by the spirit of the law of nature and nations: no jurist, who has the least regard to his reputation in the republic of letters, will deny that they are entitled to all the essential rights, liberties, privileges and immunities of his Majesty's natural subjects, born within the realm. The children of his Majesty's natural

born subjects, born passing and repassing the seas, have by sundry acts of parliament, from Edward the third to this time, been declared natural-born subjects: and even foreigners, residing a certain time in the colonies, are by acts of parliament entitled to all the rights and privileges of natural-born subjects. And it is remarkable that the act of 13 Geo. II. chap. 7. presupposes that the colonists are natural-born subjects; and that they are entitled to all the privileges of such; as appears by the preamble, which we shall now recite: "Whereas the increase of people is a means of advancing the wealth and strength of any nation or country: and whereas many foreigners and strangers, from the lenity of our government and purity of our religion, the benefit of our laws, the advantages of our trade, and the security of our property, might be induced to come and settle in some of his Majesty's colonies in America, if they were made partakers of the advantages and privileges which natural-born subjects of this realm do enjoy:" which plainly shows it to be the sense of the nation that the colonies were entitled to, and did actually enjoy the advantages and privileges of natural-born subjects. But if it could be admitted as clearly consistent with the constitution, for the parliament of Great-Britain to tax the property of the colonies, we presume, it can be made to appear to be utterly inconsistent with the rules of equity that they should, at least at present. It must be considered, that by acts of parliament, the colonies are prohibited from importing commodities of the growth or manufacture of Europe, except from Great-Britain, saving a few articles. This gives the advantage to Great-Britain of raising the price of her commodities, and is equal to a tax. It is too obvious to be doubted, that by the extraordinary demands, from the colonies, of the manufactures of Britain,

Britain, occasioned by this policy, she reaps an advantage of at least twenty per cent. in the price of them, beyond what the colonies might purchase them for at foreign markets: the loss therefore to the colonists is equal to the gain which is made in Britain. This in reality is a tax, though not a direct one: and admitting, that they take annually from Great-Britain manufactures to the value of two millions sterling, as is generally supposed, they then pay an annual tax of four hundred thousand pounds, besides the taxes which are directly paid on those manufactures in England. The same reasoning will hold good with respect to the many enumerated articles of their produce, which the colonies are restrained by act of parliament from sending to any foreign port: by this restraint, the market is glutted, and consequently the produce sold, is cheaper; which is an advantage to Great-Britain, and an equal loss to, or tax upon the colonists. Is it reasonable, then, that the colonies should be taxed on the British commodities here? especially when it is considered, that the most of them settled a wilderness, and till very lately defended their settlements without a farthing's expence to the nation. They bore their full portion of the charges of securing and maintaining his Majesty's rights in America, in every war from their first settlement, without any consideration; for the grants of parliament in the last war were compensations for an overplus of expence on their part: many of them, and this province in particular, have always maintained their own frontiers at their own expence; and have also frequently defended his Majesty's garrison at Annapolis, when it must otherwise have been unavoidably lost. The nation, in the late war, acquired lands equal in value to all the expence she has been

at in America, from its settlement; while the trade of the colonies has been only "secured and restricted:" it has not been enlarged, though new avenues of beneficial commerce have been opened to the mother country. The colonies have reaped no share in the lands which they helped to conquer, while millions of acres of those very lands have been granted, and still are granting to people, who, in all probability, will never see, if they settle, them.

The appropriation of the monies to arise by these duties is an objection of great weight. It is in the first place, to be applied for the payment of the necessary charges of the administration of justice, and the support of civil government in such colonies where it shall be judged necessary. This house apprehend, it would be grievous and of dangerous tendency, if the crown should not only appoint governors over the several colonies, but allow them such stipends as it shall judge proper, at the expence of the people and without their consent. Such a power under a corrupt administration, it is to be feared, would introduce an absolute government in America; at best it would leave the people in a state of utter uncertainty of their security, which is far from being a state of civil liberty. The judges in the several colonies do not hold their commissions during good behaviour; if then they are to have salaries independent of the people, how easy will it be for a corrupt governor to have a set of judges to his mind, to deprive a bench of justice of its glory, and the people of their security. If the judges of England have independent livings, it must be remembered, that the tenure of their commission is during good behaviour, which is a safeguard to the people: and besides, they are near the throne, the fountain of right and justice:

whereas American judges, as well as governors, are at a distance from it: moreover, it is worth particular notice, that in all disputes between power and liberty in America, there is danger that the greatest credit will always be given to the officers of the crown, who are the men in power. This we have sometimes found by experience; and it is much to be feared, that the nation will fall into some dangerous mistake, if she has not already, by too great attention to the representations of particular persons, and a disregard to others.

But the residue of these monies is to be applied by parliament, from time to time, for defending, protecting and securing the colonies. If the government at home is apprehensive that the colonists will be backward in defending themselves and securing his Majesty's territories in America, it must have been egregiously misinformed. We need look back no further than the last war for evidence of a contrary disposition: they always discovered the most cheerful compliance with his Majesty's requisitions of men and money for this purpose. They were then treated as free British subjects, and never failed to grant aid to his Majesty of their own free accord, to the extent of their ability, and even beyond it; of which, the parliament were then so sensible, that they made them grants, from year to year, by way of compensation for extra services. It is not at all to be doubted, but if they are still considered upon the footing of subjects, they will always discover the same disposition to exert themselves for his Majesty's service and their own defence; which renders a standing army in the colonies a needless expence. Or, if it be admitted that there may be some necessity for them in the conquered province of Canada, where the exercise of the Romish re-

ligion, so destructive to civil society, is allowed, surely there can be no need of them in the bowels of the old colonies, and even in cities where there is not the least danger of a foreign enemy, and where the inhabitants are as strongly attached to his Majesty's person, family and government, as in Great Britain itself. There is an English affection in the colonists towards the mother country, which will for ever keep them connected with her, to every valuable purpose, unless it shall be erased by repeated unkind usage on her part: as Englishmen, as well as British subjects, they have an aversion to an unnecessary standing army, which they look upon as dangerous to their civil liberties; and considering the examples of ancient times, it seems a little surprizing, that a mother state should trust large bodies of mercenary troops in her colonies, at so great a distance from her, lest, in process of time, when the spirits of the people shall be depressed by the military power, another Cæsar should arise and usurp the authority of his master.

The act enabling his Majesty to appoint commissioners of the customs to reside in America, has also been read in the house. It declares an intention to facilitate the trade of America, of which we cannot have any great hopes from the tenor of the commission. In general, innovations are dangerous: the unnecessary increase of crown officers is most certainly so. These gentlemen are authorized to appoint as many as they shall think proper, without limitation: this will probably be attended with undesirable effects: an host of pensioners, by the arts they may use, may in time become as dangerous to the liberties of the people as an army of soldiers; for there is a way of subduing a people by art as well as by arms: we are happy and safe under
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his present Majesty's mild and gracious administration; but the time may come, when the united body of pensioners and soldiers may ruin the liberties of America. The trade of the colonies, we apprehend, may be as easily carried on, and the acts of trade as duly enforced without this commission; and if so, it must be a very needless expence, at a time when the nation and her colonies are groaning under debts contracted in the late war, and how far distant another may be, God only knows.

There is another act which this house apprehend must be alarming to all the colonies; which is the act for suspending the legislative power of the assembly of New-York on a certain condition. A legislative body without the free exercise of the powers of legislation is to us incomprehensible: there can be no material difference between such a legislative and none at all. It cannot be said that the assembly of New York hath the free exercise of legislative power, while their very existence is suspended upon their acting in conformity to the will of another body. Such a restriction throughout the colonies would be a short and easy method of annihilating the legislative powers in America, and by consequence, of depriving the people of a fundamental right of the constitution, namely, that every man shall be present in the body which legislates for him.

It may not be amiss to consider the tendency of a suspension of colony legislation for non-compliance with acts of parliament requiring a provincial assembly to give and grant away their own and their constituent's money for the support of a standing army. We cannot but think it hard enough to have our property granted away without our consent: without being ordered to deal it out ourselves, as in the case of the mutiny act. It must be

sufficiently humiliating to part with our property in either of those ways, much more in both; whereby, as loyal subjects as any under his Majesty's government, and as true lovers of their country as any people whatever, are deprived of the honour and merit of voluntarily contributing to the service of both. What is the plain language of such a suspension? We can discover no more nor less in it than this; if the American assemblies refuse to grant as much of their own and their constituents money, as shall from time to time be enjoined and prescribed by the parliament, besides what the parliament directly taxes them, they shall no longer have any legislative authority; but if they comply with what is prescribed, they may still be allowed to legislate under their charter restrictions. Does not political death and annihilation stare us in the face as strongly on one supposition as the other? Equally in case of compliance as of non-compliance.

But let us suppose, for a moment, a series of events taking place, the most favourable in the opinion of those who are so fond of these new regulations: that all difficulties and scruples of conscience were removed, and that every representative in America should acknowledge a just and equitable right in the commons of Great-Britain to make an unlimited grant of his and his constituents property: that they have a clear right to invest the crown with all the lands in the colonies, as effectually as if they had been forfeited; would it be possible for them to conciliate their constituents to such measures? Would not the attempt suddenly cut asunder all confidence and communication between the representative body and the people? What then would be the consequence? Could any thing be reasonably expected but discontent, despair, and rage against their representatives,

sentatives, on the side of the people, and on the part of government, the rigorous exertion of civil and military power? The confusion and misery after such a fatal crisis cannot be conceived, much less described.

The present regulations and proceedings, with respect to the colonies, we apprehend to be opposite to every principle of good and sound policy. A standing army, in the time of profound peace, is naturally productive of uneasiness and discontent among the people: and yet the colonies, by the mutiny act, are ordered and directed to provide certain enumerated articles; and the pains and penalties in case of non-compliance are evident in the precedent of New-York. It also appears that revenue officers are multiplying in the colonies with vast powers: the board of commissioners lately appointed to reside here, have ample discretionary powers given them to make what appointments they please, and to pay the appointees what sums they please: the establishment of a protestant episcopate in America is also very zealously contended for: and it is very alarming to a people, whose fathers, from the hardships they suffered under such an establishment, were obliged to fly their native country into a wilderness, in order peaceably to enjoy their privileges, civil and religious: their being threatened with the loss of both at once, must throw them into a very disagreeable situation. We hope in God such an establishment will never take place in America, and we desire you will strenuously oppose it. The revenue raised in America, for ought we can tell, may be as constitutionally applied towards the support of prelacy as of soldiers and pensioners: if the property of the subject is taken from him without his consent, it is immaterial, whether it be done by one man or five hundred; or whether

it be applied for the support of ecclesiastic or military power, or both. It may be well worth the consideration of the best politician in Great-Britain or America, what the natural tendency is of a vigorous pursuit of these measures. We are not insensible that some eminent men, on both sides the water, are less friendly to American charters and assemblies than could be wished: it seems to be growing fashionable, to treat them in common conversation, as well as in popular publications, with contempt; but if we look back a few reigns, we shall find that even the august assembly, the parliament, was in every respect the object of a courtier's reproach: it was even an aphorism with King James I. that the Lords and Commons were two very bad copartners with a monarch; and he and his successors broke the copartnership as fast as possible. It is certainly unnatural for a British politician to expect, that ever the supreme executive of the nation can long exist, after the supreme legislative shall be depressed and destroyed, which may God forbid. If the supreme executive cannot exist long in Britain, without the support of the supreme legislative, it should seem very reasonable, in order to support the same supreme executive, at the distance of a thousand transmarine leagues from the metropolis, there should be, in so remote dominions, a free legislative, within their charter limitations, as well as an entirely free representative of the supreme executive of his Majesty, in the persons of governors, judges, justices, and other executive officers; otherwise strange effects are to be apprehended. For the laws of God and nature are invariable: a politician may apply or misapply these to a multiplicity of purposes, good or bad; but these laws were never made for politicians to alter. Should the

the time ever come, when the legislative assemblies of North America shall be dissolved and annihilated, no more to exist again, a strange political phenomenon will probably appear. All laws both of police and revenue must then be made by a legislative at such a distance, that without immediate inspiration, the local and other circumstances of the governed cannot possibly be known to those who give and grant to the crown, what part of the property of their fellow-subjects they please. There will then be no assemblies to support the execution of such laws: and indeed, while existing, by what rule of law or reason are the members of the colony-assemblies executive officers? They have, as representatives, no commission but from their constituents: and it must be difficult to show, why they are more obliged to execute acts of parliament than such of their constituents as hold no commissions from the crown. The most that can be expected from either, is submission to acts of parliament; or to aid the officers as individuals, or part of the posse comitatus if required. It would seem strange to call on the representative, in any other way, to execute laws against their constituents and themselves, which both have been so far from consenting to, that neither were consulted in framing them. Yet it was objected by some to the American assemblies, that they neglected to execute the stamp act: and that their resolves tended to raise commotions; which certainly was not the case here: for all the disorders in Boston, in which any damage was done to property, happened long before the resolves of the house of representatives here were passed.

We have reason to believe, that the nation has been grossly misinformed with respect to the temper and behaviour of the colonists, and it is to be feared that some men will not cease to sow the seeds of jealousy and

discord, till they shall have done irreparable mischief. You will do a singular service to both countries, if possible, in detecting them. In the mean time, we desire you would make known to his Majesty's ministers the sentiments of this house contained in this letter, and implore a favourable consideration of America.

Signed by the Speaker.

Agreeable to a Vote of the House of Representatives of Massachusetts-Bay, the following Petition to the King, was signed by the Speaker, by their order of the 20th Jan. 1768.

An humble Petition to the King's most Excellent Majesty.

Most Gracious Sovereign,

Your Majesty's faithful subjects, the representatives of your province of the Massachusetts-Bay, with the warmest sentiments of loyalty, duty, and affection, beg leave to approach the throne, and to lay at your Majesty's feet their humble supplications, in behalf of your distressed subjects the people of the province.

Our ancestors, the first settlers of this country, having with the royal consent, which we humbly apprehend involves the consent of the nation, and at their own great expence, migrated from their mother kingdom, took possession of this land, at that time a wilderness, the right whereof they had purchased for a valuable consideration of the council established at Plimouth, to whom it had been granted by your Majesty's royal predecessor King James the first.

From the principles of loyalty to their sovereign which will ever warm the breast of a true subject, though remote, they acknowledged their allegiance to the English crown: and your Majesty will allow us with all humility to say, that they and their posterity, even to this time, have afforded frequent and signal proofs of their zeal for the honour and service of

of their prince, and their firm attachment to the parent country.

With toil and fatigue, perhaps not to be conceived by their brethren and fellow-subjects at home, and with the constant peril of their lives, from a numerous, savage, and warlike race of men, they began their settlement, and God prospered them.

They obtained a charter from King Charles the first; wherein his Majesty was pleased to grant to them and their heirs and assigns for ever, all the lands therein described, to hold of him and his royal successors in free and common soccage; which we humbly conceive is as absolute an estate as the subject can hold under the crown. And in the same charter were granted to them, and their posterity, all the rights, liberties, privileges, and immunities of natural subjects, born within the realm.

This charter they enjoyed, having, as we most humbly conceive, punctually complied with all the conditions of it, till in an unhappy time it was vacated.—But after the revolution, when King William and Queen Mary, of glorious and blessed memory, were established on the throne: in that happy reign, when to the joy of the nation and its dependencies, the crown was settled in your Majesty's illustrious family, the inhabitants of this province shared in the common blessing. Then they were indulged with another charter; in which their Majesties were pleased for themselves, their heirs and successors, to grant and confirm to them as ample estate in the lands or territories as was granted by the former charter, together with other the most essential rights and liberties contained therein: the principal of which, is that which your Majesty's subjects within the realm have ever held a most sacred right, of being taxed only by representatives of their own free election.

Thus blessed with the rights of Englishmen, through the indulgent smiles of Heaven, and under the auspicious government of your Majesty and your royal predecessors, your people of this province have been happy, and your Majesty has acquired a numerous increase of loyal subjects, a large extent of dominion, and a new and inexhaustible source of commerce, wealth and glory.

With great sincerity permit us to assure your Majesty, that your subjects of this province, ever have, and still continue to acknowledge your Majesty's high court of parliament the supreme legislative power of the whole empire. The superintending authority of which is clearly admitted in all cases, that can consist with the fundamental rights of nature and the constitution, to which your Majesty's happy subjects in all parts of your empire conceive they have a just and equitable claim.

It is with the deepest concern that your humble suppliants would represent to your Majesty, that your parliament, the rectitude of whose intentions is never to be questioned, has thought proper to pass divers acts imposing taxes on your Majesty's subjects in America, with the sole and express purpose of raising a revenue. If your Majesty's subjects here shall be deprived of the honour and privilege of voluntarily contributing their aid to your Majesty, in supporting your government and authority in the province, and defending and securing your rights and territories in America, which they have always hitherto done with the utmost cheerfulness: if these acts of parliament shall remain in force, and your Majesty's commons in Great Britain shall continue to exercise the power of granting the property of their fellow subjects in this province, your people

people must then regret their unhappy fate in having only the name left of free subjects.

With all humility we conceive that a representation of your Majesty's subjects of this province in the parliament, considering their local circumstances, is utterly impracticable: your Majesty has heretofore been graciously pleased to order your requisitions to be laid before the representatives of your people in the general assembly, who have never failed to afford the necessary aid to the extent of their ability, and sometimes beyond it; and it would be ever grievous to your Majesty's faithful subjects to be called upon in a way, that should appear to them to imply a distrust of their most ready and willing compliance.

Under the most sensible impressions of your Majesty's wife and paternal care for the remotest of your faithful subjects, and in full dependence on the royal declarations in the charter of this province, we most humbly beseech your Majesty to take our present unhappy circumstances under your royal consideration, and afford us relief in such manner as in your Majesty's great wisdom and clemency shall seem meet.

A letter to the Right Hon. the Earl of Shelburne, one of his Majesty's principal Secretaries of State. Province of the Massachusetts-Bay, Jan. 15, 1768.

My Lord,

The House of Representatives of this his Majesty's province, having had experience of your Lordship's generous sentiments of his Majesty's most loyal though remote subjects in America, and of your noble exertions in their behalf in the late time of their distress, beg leave to lay before your Lordship's view, the new scenes of difficulty, which are again opened upon us, and to implore your repeated interposition.

Your Lordship is not insensible, that our forefathers were in an unhappy reign driven into this wilderness by the hand of power; at their own expence they crossed an ocean of three thousand miles; and purchased an inheritance for themselves and their posterity, with the view of propagating the christian religion, and enlarging the English dominion in this distant part of the earth. Through the indulgent smiles of Heaven upon them, though not without hardship and fatigue unexperienced and perhaps hardly to be conceived by their brethren and fellow-subjects in their native land; and with the constant peril of their lives from a numerous race of men, as barbarous and cruel, and yet as warlike as any people upon the face of the earth, they increased in their numbers and enlarged their settlement.--They obtained a charter from King Charles the first, wherein his Majesty was pleased to recognize to them, a liberty to worship God according to the dictates of their conscience; a blessing which in those unhappy times was denied to them in their own country: and the rights, liberties, privileges, and immunities of his natural born subjects within the realm. This charter they enjoyed, having punctually fulfilled the conditions of it, till it was vacated, as we conceive arbitrarily, in the reign of King Charles the second. After the revolution, that grand æra of British liberty, when King William and Queen Mary, of glorious and blessed memory, were established on the throne, the inhabitants of this province obtained another charter; in which the most essential rights and privileges contained in the former were restored to them. Thus blessed with the liberties of Englishmen, they continued to increase and multiply, till, as your Lordship knows, a dreary

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wilderness is become a fruitful field, and a grand source of national wealth and glory.

By the common law, my Lord, as well as sundry acts of parliament from the reign of Edward the third, the children of his Majesty's natural born subjects, born passing and repassing the seas, are intitled to all the rights and privileges of his natural subjects born within the realm. From hence the conclusion appears to be indisputable, that the descendants of his Majesty's subjects in the realm, who migrated with the consent of the nation, and purchased a settlement with their own treasure and blood, without any aid from the nation; who early acknowledged their allegiance to the Crown of England; and have always approved themselves faithful subjects, and in many instances given signal proofs of their loyalty to their King, and their firm attachment and affection to their mother country:—The conclusion is strong, that exclusive of any consideration of their charter, they are intitled to the rights and privileges of the British constitution in common with their fellow subjects in Britain. And it is very remarkably the sense of the British nation that they are so; as appears by an Act of Parliament made in the 13th of his late Majesty King George the second. The preamble of that act plainly presupposes it; and the purview of the same act enables and directs the superior court of judicature of this province, a court erected by the authority of the general court, to naturalize foreigners under certain conditions; which it is presumed the wisdom of the Parliament would not have empowered any people to do, who were not *themselves* deemed natural born subjects.

The spirit of the law of nature and nations supposes that all the free subjects of any kingdom, are entitled equally to all the rights of the consti-

tution; for it appears unnatural and unreasonable to affirm, that local or any other circumstances can justly deprive any part of the subjects of the same Prince, of the full enjoyments of the rights of that constitution, upon which the government itself is formed, and by which sovereignty and allegiance are ascertained and limited. But your Lordship is so thoroughly acquainted with the extent of the rights of men and subjects, as to render it altogether improper to take up any more of your time on this head.

There are, my Lord, fundamental rules of the constitution, which it is humbly presumed, neither the supreme legislative nor the supreme executive can alter. In all free states the constitution is fixed: it is from thence the legislative derives its authority; therefore it cannot change the constitution without destroying its own foundation. If then the constitution of Great-Britain is the common rights of all British subjects, it is humbly referred to your Lordship's judgment, whether the supreme legislative of the empire may rightly leap the bounds of it in the exercise of power over the subjects in America, any more than those in Britain.

When mention is made of the rights of American subjects and the interest they have in the British constitution in common with all other British subjects, your Lordship is too candid and just in your sentiments to suppose that the House have the most distant thought of an independency on Great-Britain.—They are not insensible of their security and happiness in their connection with and dependance on the mother-state. These, my Lord, are the sentiments of the House and of their constituents; and they have reason to believe they are the sentiments of all the colonies: those who are industriously propagating in the nation a different opinion of the colonists, are not only doing the
greater

greatest injustice to them, but an irreparable injury to the nation itself.

It is the glory of the British constitution that it has its foundation in the law of God and nature; it is essentially a natural right that a man shall quietly enjoy, and have the sole disposal of his own property: this right is ingrafted into the British constitution and is familiar to the American subjects: and your Lordship will judge whether any necessity can render it just and equitable in the nature of things, that the supreme legislative of the empire, should impose duties, subsidies, talliages and taxes, internal or external, for the sole purpose of raising a revenue, upon subjects that are not, and cannot, considering their local circumstances, by any possibility be equally represented, and consequently, whose consent cannot be had in Parliament.

The security of right and property is the great end of government. Surely then such measures as tend to render right and property precarious, tend to destroy both property and government, for these must stand or fall together.—Property is admitted to have an existence in the savage state of nature: and if it is necessary for the support of savage life, it by no means becomes less so in civil society. The House intreats your Lordship to consider, whether a colonist can be conceived to have any property which he may call his own, if it may be granted away by any other body without his consent: and they submit to your Lordship's judgment whether this was not actually done, when the act for granting to his Majesty certain duties on paper, glass, and other articles, for the sole and express purpose of raising a revenue in America, was made. It is the judgment of Lord Coke that the Parliament of Great Britain cannot tax Ireland "*quia milites ad Parliamentum non mittant.*" And Sir William Jones, an

eminent jurist, declared it as his opinion, to King Charles the Second, that he could no more grant a commission to levy money on his subjects in Jamaica, without their consent by an assembly, than they could discharge themselves from their allegiance to the crown,

Your Lordship will be pleased to consider that Ireland and Jamaica were both conquered; which cannot be said of any of the colonies, Canada excepted; the argument therefore is stronger in favour of the colonies.

Our ancestors, when oppressed in the unfortunate reign of James the Second, found relief by the interposition of the Parliament; but it is the misfortune of the colonies at present, that by the intervention of that power they are taxed; and they can appeal for relief from their final decision to no power on earth, for there is no power on earth above them.—Your Lordship will indulge the House in expressing a deep concern upon this occasion; for it is the language of reason, and it is the opinion of the greatest writers on the law of nature and nations, that if the Parliament should make any considerable change in the constitution, and the nation should be voluntarily silent upon it, this would be considered as an approbation of the act.

But the House beg leave to represent to your Lordship, that although the right of the Parliament to impose taxes on the colonies without a representation there were indisputable, we humbly conceive it may be made fully to appear to be unequal that they should, at least at present. Your Lordship will be pleased to remember that by act of Parliament, the colonists are prohibited from importing commodities and manufactures of the growth of Europe, saving a few articles, except from Great Britain. This prohibition not only occasions a much greater demand upon the mother-

ther-country for her manufactures, but gives the manufacturers there the advantage of their own price; and can it be questioned, my Lord, but the colonists are obliged by means of this policy, to purchase the British manufactures at a much dearer rate, than the like manufactures would be purchased at, if they are allowed to go to foreign markets. It is a loss to the colonists and an equal gain to Great Britain. The same reasoning holds good with respect to the many articles of their produce, which the colonies are restrained by act of Parliament from sending to foreign ports.— This is in reality a tax though an indirect one on the colonies, besides the duties of excise and customs, laid on the manufactures in Great Britain. A celebrated British writer on trade, computes the artificial value arising from these duties, to be not less than fifty per cent. Your Lordship will then form an estimate of the part that is paid by the colonies upon the importation into America, which is generally said to be at least the value of two millions sterling.

The House is not at this time complaining of this policy of the mother-state; but beg your Lordship's impartial and candid consideration, whether it is not grievous to the colonies to be additionally taxed upon the commodities of Great Britain here — and to be solely charged with the defending and securing his Majesty's colonies, after they have cheerfully borne their full proportion of maintaining his Majesty's rights in this part of his dominions, and reducing his enemies to terms of peace.

Your Lordship will allow the House to express their fears that the colonies have been misrepresented to his Majesty's ministers and the Parliament, as having an undutiful disposition towards his Majesty, and a disaffection to the mother-kingdom. It has till a few years past been the usage for his

Majesty's requisitions to be laid before the representatives of his people in America. And we may venture to appeal to your Lordship, that the people of this province have been ready to afford their utmost aid for his Majesty's service. It would be grievous to his most faithful subjects, to be called upon for aid in a manner which implies a mistrust of a free and cheerful compliance: and the House intreat your Lordship's consideration, whether our enemies at least, would not infer a want of duty and loyalty in us, when the Parliament have judged it necessary to compel us by laws for that purpose; as by the late acts for raising a revenue in America, and the act for preventing mutiny and desertion; in the latter of which the governor and council are directed to supply the King's troops with enumerated articles, and the people are required to pay the expence. But besides, your Lordship will judge whether the execution of this act can comport with the existence of a free legislative in America.

It is unnatural to expect, that the supreme executive power can long exist, if the supreme legislative should be distressed and destroyed. In order, therefore, to support the supreme executive of his Majesty, at so great a distance, in the person of his governor, judges, and other executive officers, it seems necessary that there should be a legislative in America as perfectly free, as can consist with a subordination to the supreme legislative of the whole empire.

Such a legislative is constituted by the royal charter of this province: in this charter, my Lord, the King, for himself, his heirs and successors, grants to the general assembly, full power and authority to impose and levy proportionable and reasonable assessments, rates and taxes upon the estates and persons of the inhabitants, to be issued and disposed of, by warrant

rant under the hand of the governor, with the advice and consent of the council, for the service of his Majesty, in the necessary defence and support of his government of the province, and the protection and preservation of the inhabitants, according to such acts, as are or shall be in force in the province. And the House are humbly of opinion, that the legislative powers in the several colonies in America were originally erected upon a conviction, that the subjects there, could not be represented in the supreme legislative, and consequently that there was a necessity that such powers should be erected.

It is by no means, my Lord, a disposition in the House to dispute the just authority of the supreme legislative of the nation, that induces them thus to address your Lordship; but a warm sense of loyalty to their prince, and, they humbly apprehend, a just concern for their natural and constitutional rights. They beg your Lordship would excuse their trespassing upon your time and attention to the great affairs of the state: they apply to you as a friend to the rights of mankind and of British subjects. As Americans they implore your Lordship's patronage, and beseech you to represent their grievances to the King our sovereign, and employ your happy influence for their relief.

Signed by the Speaker.

A Letter to the Right Hon. Henry Seymour Conway, Esq; one of his Majesty's principal Secretaries of State. Province of the Massachusetts-Bay, February 13, 1768.

S I R,

The House of representatives of this his Majesty's province have still the sensible impressions of gratitude upon their minds, for the signal and successful exertions you were pleased to make for them when the liberties of the colonies were in danger. And although they do not fall immediately

under your care in that department, to which his Majesty has been graciously pleased to appoint you; yet your known attachment to the rights of subjects, in their just extent; the constitutional authority of the supreme legislative and the prerogative of the sovereign, is a strong inducement to the House, when new grievances happen, to implore your repeated aid. Conscious of their own disposition, they rely upon that candour which is a distinguished mark of your character. And however they may have been represented to his Majesty's ministers as undutiful, turbulent and factious, your sentiments are too generous, to impute the expressions of uneasiness under the operation of any particular acts of the British parliament to a peevish or discontented habit, much less to the want of a due veneration for that august assembly.

This House is at all times ready to recognize his Majesty's high court of parliament, the supreme legislative power over the whole empire; its superintending authority, in all cases consistent with the fundamental rules of the constitution, is as clearly admitted by his Majesty's subjects in this province as by those within the realm: since the constitution of the state, as it ought to be, is fixed; it is humbly presumed, that the subjects, in every part of the empire, however remote, have an equitable claim to all the advantages of it.

It is the glory of the British Prince, and the happiness of all his subjects, that their constitution hath its foundation in the immutable laws of nature: and as the supreme legislative as well as the supreme executive derives its authority from that constitution, it should seem that no laws can be made or executed, that are repugnant to any essential law in nature. Hence a British subject is happily distinguished from the subjects of many

many other states, in a just and well grounded opinion of his own safety, which is the perfection of political liberty.

It is acknowledged to be an unalterable law in nature, that a man should have the free use and sole disposal of the fruit of his honest industry, subject to no controul. The equity of this principle seems to have been too obvious to be misunderstood by those who framed the constitution; into which it is ingrafted as an established law. It is conceived that this principle gave rise in early time to a representation in parliament; where every individual in the realm has since been, and is still considered by acts of parliament as present by himself, or by his representative of his own free election: consequently, the aid afforded there to the sovereign is not of the nature of a tribute, but the free and voluntary gift of all.

The House submit to your consideration, whether his Majesty's subjects of this province, or any of them, can be considered as having been present in parliament, when an act of the fourth of his present Majesty's reign, and another passed the last session, were made. If not, it seems to be conclusive, that, as those acts were made with the sole and express purpose of raising a revenue out of America, the subjects here are in those instances unfortunately deprived of the sole disposal of their property, and the honour and privilege of contributing to the aid of their sovereign by a free and voluntary gift.

The people of this province would by no means be inclined to petition the parliament for a representation. Separated from the mother-country by a mighty ocean, and at the distance of three thousand miles, they apprehend it is, and ever will be, utterly impracticable that they should be equally represented there: they

have always been considered by the nation as subjects remote: and his Majesty's royal predecessors were graciously pleased to constitute by charter a subordinate legislative in the province, as it is conceived, with a view of preserving to their remote subjects the unalienable right of a representation. By this charter the lands therein described are granted to the inhabitants in free and common soccage; and the general assembly is invested with the power of imposing and levying proportionable and reasonable assessments, rates and taxes, upon the estates and persons of the inhabitants, for his Majesty's service, in the necessary defence and support of his government of the province, and the protection and preservation of the inhabitants; and of ordaining and establishing all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with or without penalties, as they shall judge to be for the good and welfare of the province: and as a sufficient check upon this subordinate power, which secures its dependance on the supreme legislative, no law can be made repugnant to the laws of England; and all laws that are made, are laid before his Majesty, who at any time during three years after, disannulls them as his royal pleasure.

All that is desired by the people of this province, is, that they may be restored to their original standing: they may venture to appeal to the nation, that they have never failed to afford their utmost aid to his Majesty whenever he hath required it; and they may say it without vanity, that in many instances from their settlement, they have given striking proofs of their zeal for the honour of their sovereign, and their affection for the mother-state. Must it not then be grievous to free and loyal subjects,

subjects, to be called upon in a manner which appears to them, to divest them of their freedom, and so far to impeach their loyalty as to imply a mistrust of their cheerful compliance with his Majesty's royal requisitions.

The House also beg leave to submit, whether the people can continue free, while the crown in addition to its uncontroverted right of appointing a governor, may appoint him such stipends as it shall judge fit, at the expence of the people, and without their consent : and whether, while the judges of the land, at so great a distance from the throne, the fountain of justice, may be altogether independent on the people for their support, it may not probably happen, that in some future time, the principles of equity may be subverted even on the bench of justice, and the people deprived of their happiness and security.

The House could add, that by restraints laid upon the American trade by acts of parliament, which operate equally to the advantage of Great-Britain and the disadvantage of this and the other colonies, and the taxes which the inhabitants here eventually pay as the consumers of the British manufactures, it should seem to be beyond all the rules of equity, that these additional burdens should be laid on them. But they would not trespass upon your time and attention to the great affairs of the nation. They beg your candid consideration of the unhappy circumstances of the province, and hope, that, your great interest in the national councils, so far as shall appear to you to be just, will be employed on their behalf.

Signed by the Speaker.

*A Letter to the Right Hon. the Marquis
of Rockingham.
Province of the Massachusetts-Bay,
January 22, 1768.*

My Lord,

The House of representatives of this his Majesty's province have had the honour of your letter of the 7th of May last, communicated to them by their speaker, and thank your Lordship for your condescension, in the kind sentiments you are pleased to express of his Majesty's good subjects of America and of this province. The establishing the harmony between Great Britain and her colonies, is a subject which your Lordship has judged worthy of your particular attention : and the exertions which you have made for this very important purpose, claim the most grateful acknowledgements of the House. Your sentiments are so nobly extended beyond the most distant partial considerations, as must distinguish you as a patron of the colonies, a friend to the British constitution, and the rights of mankind.

Your Lordship is pleased to say, that you will not adopt a system of arbitrary rule over the colonies ; nor do otherwise, than strenuously resist where attempts shall be made to throw off that dependency to which the colonies ought to submit. And your Lordship with great impartiality adds " not only for the advantage of Great Britain but for their own real happiness and safety."

This House, my Lord, have the honour heartily to join with you in sentiment ; and they speak the language of their constituents. So sensible are they of their happiness and safety, in their union with and dependance upon the mother country, that they could by no means be inclined to accept of an independency if offered to them. But, my Lord, they intreat your consideration, whether the colonies have not reason to fear some danger of arbitrary rule over them, when the supreme power of the nation, have thought proper to impose

impose taxes on his Majesty's American subjects, with the sole and express purpose of raising a revenue; and without their consent.

My Lord, the superintending power of that high court over all his Majesty's subjects in the empire, and in all cases which can consist with the fundamental rules of the constitution, was never questioned in this province, nor, as the House conceive, in any other. But in all free states the constitution is fixed: it is from thence that the supreme legislative as well as the supreme executive derives its authority: neither, then, can break through the fundamental rules of the constitution, without destroying their own foundation.

It is humbly conceived, that all his Majesty's happy subjects, in every part of his wide extended dominions, have a just and equitable claim to the rights of that constitution, upon which government itself is formed, and by which sovereignty and allegiance is ascertained and limited. Your Lordship will allow us to say, that it is an essential right of a British subject, ingrafted into the constitution, or if your Lordship will admit the expression, a sacred and unalienable natural right, quietly to enjoy and have the sole disposal of his own property. In conformity to this, the acts of the British Parliament declare, that every individual in the realm, is present in his Majesty's high court of Parliament, by himself or his representative of his own free election. But, my Lord, it is apprehended, that a just and equal representation of the subjects, at the distance of a thousand transmarine leagues from the metropolis is utterly impracticable. Upon this opinion, this House humbly conceive, his Majesty's royal predecessors, thought it equitable to form subordinate legislative powers in America, as perfectly free as the nature of things would ad-

mit, that so, their remote subjects might enjoy a right, which those within the realm have ever held sacred, of being taxed only by representatives of their own free election.

The House beg leave to observe to your Lordship, that the monies that shall arise by the act for granting to his Majesty certain duties on paper, glass, and other articles, passed in the last session of Parliament, are to be applied, in the first place, for the payment of the necessary charges of the administration of justice, and the support of civil government, in such colonies where it shall be judged necessary; and the residue for defending, protecting and securing the colonies. They intreat your Lordship's consideration, what may be the consequence, in some future time, if the crown, in addition to its right of appointing governors over the colonies, which the House cheerfully recognize, should appoint them such stipends, as it shall judge fit, without the consent of the people, and at their expence. And as the judges of the land here do not hold their commissions during good behaviour, your Lordship will judge, whether it may not hereafter happen, that at so great a distance from the throne, the fountain of justice, for want of an adequate check, corrupt and arbitrary rule may take place, even within the colonies, which may deprive a bench of justice of its glory, and the people of their happiness and safety.

Your Lordship's justice and candor will induce you to believe, that what our enemies may have taken occasion to represent to his Majesty's ministers and the Parliament, as an unduful disposition in the colonies, is nothing more than a just and firm attachment to their natural and constitutional rights. It is humbly submitted to your Lordship whether these ideas are well founded. And while this
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province and the colonies shall continue in your Lordship's judgment to be faithful and loyal subjects to his Majesty, they rely upon it, that your happy influence will ever be employed, to promote the sentiments of tenderness as well as justice in the parent country.

Signed by the Speaker.

A letter to the Right Hon. Lord Camden, Lord High Chancellor of Great Britain.

Province of the Massachusetts-Bay, Jan. 29, 1768.

My Lord,

Your great knowledge of the constitution and laws of the nation, of the just extent of parliamentary authority, and the rights of British subjects, is a prevailing inducement to the House of Representatives of this his Majesty's province, to address your Lordship, at a time when your attention to the British colonies, their connection with and dependance upon the mother state, and their rights as subjects, seems to be necessary and important, not to them alone, but to the whole empire.

This House can speak only for the people of one province: but no assembly on this continent, it is presumed, can long be silent, under an apprehension, that without the aid of some powerful advocate, the liberties of America will soon be no more.

It is a cause which the House is assured your Lordship has at heart: and the past experience of your patronage, and the noble exertions you were pleased to make for them in a late time of distress, affords the strongest reason to hope that your happy influence will still be employed in their behalf, as far as your Lordship shall judge to be right.

If in all free states, the constitution is fixed, and the supreme legislative power of the nation, from thence derives its authority; can that

power overleap the bounds of the constitution, without subverting its own foundation? If the remotest subjects, are bound by the ties of allegiance, which this people and their forefathers have ever acknowledged; are they not by the rules of equity, intitled to all the rights of that constitution, which ascertains and limits both sovereignty and allegiance? If it is an essential unalterable right in nature, ingrafted into the British constitution as a fundamental law, and ever held sacred and irrevocable by the subjects within the realm, that what is a man's own is absolutely his own; and that no man hath a right to take it from him without his consent; may not the subjects of this province, with a decent firmness, which has always distinguished the happy subjects of Britain, plead and maintain this natural constitutional right?

The superintending authority of his Majesty's high court of parliament over the whole empire, in all cases which can consist with the fundamental rights of the constitution, was never questioned in this province, nor, as this House conceive, in any other: but they intreat your Lordship's reflection one moment, on an act of parliament passed the last session; and another in the fourth of his present Majesty's reign; both imposing duties on his subjects in America, which as they are imposed with the sole and express purpose of raising a revenue, are, in effect, taxes. The position, that taxation and representation are inseparable, is founded on the immutable laws of nature: but the Americans had no representation in the parliament, when they were taxed: are they not then unfortunate in these instances, in having that separated, which God and nature had joined? Such are the local circumstances of the colonies, at the

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distance of a thousand leagues from the metropolis, and separated by a wide ocean, as will for ever render a just and equal representation in the supreme legislative, utterly impracticable. Upon this consideration, it is conceived, that his Majesty's royal predecessors thought it equitable to form legislative bodies in America, as perfectly free as a subordination to the supreme legislative would admit of, that the inestimable right of being taxed only by representatives of their own free election, might be preserved and secured to their subjects here. The Americans have ever been considered by the nation as subjects remote; and succeeding kings, even to the present happy reign, and until these acts were made, have always directed their requisitions, to be laid before the representatives of their people in America, with which this province, and it is presumed, all the other colonies, have with the utmost cheerfulness complied. Must it not then be grievous to subjects, who have in many repeated instances afforded the strongest marks of loyalty and zeal for the honour and service of their sovereign, to be now called upon, in a manner, which implies a distrust of a free and willing compliance? Such is the misfortune of the colonists, not only in the instances before-mentioned, but also in the case of the act for preventing mutiny and desertion; which requires the governor and council to provide enumerated articles for the King's marching troops, and the people to pay the expence.

This is a great change; and in its nature delicate and important. Your Lordship will form your own judgement of the wisdom of making such a change, without the most pressing reason, or an absolute necessity. There can be no necessity, my Lord, as this House humbly conceive: the subjects

in this province, and undoubtedly in all the colonies, however they may have been otherwise represented to his Majesty's ministers, are loyal: they are firmly attached to the mother state: they always consider her interest and their own as inseparably interwoven, and it is their fervent wish that it may ever so remain: all they desire is, to be restored to the standing upon which they were originally put; to have the honour and privilege of voluntarily contributing to the aid of their sovereign, when required: they are free subjects; and it is hoped the nation will never consider them as in a tributary state.

It is humbly submitted to your Lordship, whether subjects can be said to enjoy any degree of freedom, if the crown in addition to its undoubted authority of constituting governors, should be authorized to appoint such stipends for them, as it shall judge proper, at their expence, and without their consent. This is the unhappy state to which his Majesty's subjects in the colonies are reduced, by the act for granting certain duties on paper, and other articles. A power without a check is always unsafe; and in some future time may introduce an absolute government into America. The judges of the land here do not hold their commissions during good behaviour: is it not then justly to be apprehended, that at so great a distance from the throne, the fountain of national justice, with salaries altogether independent of the people, an arbitrary rule may take effect, which shall deprive a bench of justice of its glory, and the people of their security.

When a question arises on the public administration, the nation will judge and determine in conformity to its political constitution: the great end of the British constitution is universal liberty; and this House rests assured,

assured; that your Lordship's great interest in the national councils will always be engaged on the side of liberty and truth.

Signed by the Speaker.

A letter to the Right Hon. the Earl of Chatham.

*Province of the Massachusetts-Bay,
Feb. 2. 1768.*

My Lord,

The particular attention you were pleased to give to the interest of the American subjects when their rights were in danger, and your noble and successful efforts in support of them, have left in the breasts of all, the indelible marks of gratitude. The House of Representatives of this his Majesty's province, having reason to be assured, that in every instance of your public conduct, you are influenced by the principles of virtue and a disinterested public affection, beg leave to manifest to your Lordship, a testimony of their full confidence in you, by imploring your repeated aid and patronage at this time when the cloud again gathers thick over them.

It must afford the utmost satisfaction to the distressed colonists, to find your Lordship so explicitly declaring your sentiments in that grand principle in nature, "that what a man hath honestly acquired is absolutely and uncontrollably his own." This principle is established as a fundamental rule in the British constitution, which eminently hath its foundation in the laws of nature; and consequently it is the indisputable right of all men, more especially of a British subject, to be present in person, or by representation, in the body where he is taxed.

But however fixed your Lordship and some others may be in this cardinal point, it is truly mortifying to many of his Majesty's free and loyal sub-

jects, that even in the British parliament, that sanctuary of liberty and justice, a different sentiment seems of late to have prevailed.

Unwilling to intrude upon your attention to the great affairs of state, the House would only refer your Lordship to an act passed in the fourth year of the present reign, and another in the last session of parliament; both imposing duties on the Americans, who were not represented, with the sole and express purpose of raising a revenue. What, my Lord, have the colonists done to forfeit the character and privilege of subjects, and to be reduced in effect to a tributary state? This House may appeal to the nation, that the utmost aid of the people has been cheerfully given when his Majesty required it: often, on their own motion, and when almost ready to succumb under the expence of defending their own borders, their zeal has carried them abroad for the honour of their sovereign, and the defence of his rights: of this, my Lord, not to mention any more, the reduction of Louisburgh in the year 1745, and the defence of his Majesty's garrison at Annapolis, and of all Nova Scotia, will be standing monuments. Can there then be a necessity for so great a change, and in its nature so delicate and important, that instead of having the honour of his Majesty's requisitions laid before their representatives here, as has been invariably the usage, the parliament should now tax them without their consent?

The enemies of the colonists, for such they unfortunately have, may have represented them to his Majesty's ministers, and the parliament, as factious, undutiful, disloyal: they, my Lord, are equally the enemies of Britain: such is your extensive knowledge of mankind, and the sentiments and disposition of the colonies in general, that this house would freely venture to rest the character of their

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constituents in your Lordship's judgment: surely it is no ill disposition in the loyal subjects of a patriot king, with a decency and firmness adapted to their character, to assert their freedom.

The colonies, as this House humbly conceive, cannot be represented in the British parliament: their local circumstances, at the distance of a thousand leagues beyond the seas, forbids, and will for ever render it impracticable: this they apprehend, was the reason that his Majesty's royal predecessors saw fit to erect subordinate legislative bodies in America as perfectly free as the nature of things would admit, that their remote subjects might enjoy that inestimable right, a representation. Such a legislative is constituted by the royal charter of this province. In this charter, the King, for himself, his heirs and successors, grants to the inhabitants all the lands and territories therein described, in free and common socage; as ample estate as the subjects can hold under the crown; together with all the rights, liberties, privileges, and immunities of his natural subjects born within the realm; of which the most essential is a power invested in the general assembly to levy proportionable and reasonable taxes on the estates and persons of the inhabitants, for the service of his Majesty, and the necessary defence and support of his government of the province, and the protection and preservation of the inhabitants. But though they were originally, and always, since their settlement, have been considered as subjects remote, they have ever cherished a warm affection for the mother state, and a regard for the interest and happiness of their fellow subjects in Britain. If then the colonies are charged with the most distant thought of an independency, your Lordship may be assured, that, with respect to the peo-

ple of this province, and it is presumed, of all the colonies, the charge is unjust.

Nothing would have prevailed upon the House to have given your Lordship this trouble, but the necessity of a powerful advocate, when their liberty is in danger: such they have more than once found you to be; and as they humbly hope they have never forfeited your patronage, they intreat that your great interest in the national councils may still be employed in their behalf, that they may be restored to the standing of free subjects.

That your Lordship may enjoy a firm state of health, and long be continued a great blessing to the nation and her colonies, is the ardent wish of this House.

Signed by the Speaker.

*A Letter to the Right Hon. the Lords
Commissioners of the Treasury:
Province of the Massachusetts-Bay,
February 17, 1768.*

My Lords,

The House of Representatives of this his Majesty's province beg leave to lay before your Lordships the great difficulties to which they are reduced, by the operation of divers acts of Parliament, imposing duties to be levied on the subjects of the American colonies, and made with the sole and express purpose of raising a revenue: and beg the favour of your candid judgment and great interest in the national councils for their redress.

As their constituents are not in any manner represented in the Parliament, they cannot so much wonder, that taxes and burdens are laid upon them, which they humbly apprehend could have been made to appear to be beyond all bounds of equity and proportion; and this consideration they are sure would have had its due weight in the British house of commons.

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By act of Parliament, your Lordships are sensible, that the colonies are restrained from importing commodities, the growth or manufacture of Europe, saving a few articles, except from Great Britain: by this policy, the demand of British manufactures from the colonies is greatly increased; and the manufacturers have the advantage of their own price. Hence it appears, that what is gained by the subjects in Great Britain, is a loss to those in America; for there can be no doubt, as this House conceive, but that if the colonists were allowed to purchase such commodities at foreign markets, they might have them at a cheaper rate; or, which is the same thing to them, the British manufacturers would be necessitated to reduce their price. Thus also, with regard to the many articles of their produce, which the colonies are by act of Parliament restrained from sending to foreign ports: this occasioned a great plenty of American exports, and oftentimes a glut at the British markets, which always diminishes the price, and makes a loss to the American, and an equal gain to the subject in Britain. This regulation, evidently designed in favour of those of his Majesty's subjects inhabiting in Great Britain, the house is not at this time complaining of: but they beg your Lordships consideration, whether, in addition to these burdens, it is not grievous to their constituents, to be obliged to pay duties on British manufactures here: especially considering, that, as the consumers of those manufactures, they pay a great proportion of the duties and taxes laid upon them in Britain. It is computed by a late celebrated British writer, that the artificial value arising from these duties are not less than fifty per cent. Your Lordships will then form an estimate of the part that is paid annually upon the impor-

tation into America, which is generally allowed to be at least two millions sterling.—So great are the advantages arising yearly to Great Britain from the colonies, most of which, it is said, were settled, and have been maintained and defended, till within a very few years, solely at their own expence: this House can affirm for one province only.

But the bearing an unequal share of the public burthens, though a real grievance, is of but small consideration, when compared with another, in the mentioning of which, the House begs your Lordship's indulgence. The duties levied in America, by virtue of the aforementioned acts, were imposed with the sole and express purpose of raising a revenue; and are to be applied, in the first place, for making a more certain and adequate provision for the charge of the administration of justice, and the support of civil government, in such colonies where it shall be found necessary; and the residue is from time to time to be disposed of by Parliament, towards defraying the necessary expences of defending, protecting, and securing the colonies. It is humbly submitted, whether his Majesty's commons in Britain have not, by these acts, granted the property of their fellow subjects in America, without their consent in Parliament. Your Lordships will allow, that it is an unalterable rule in equity, that a man shall have the free use and the sole disposal of his property. This original principle, to the lasting honour of our British ancestors, was in early time ingrafted into the British constitution, and is the greatest security, as well as the brightest ornament of a British subject. It adds to the real grandeur of the British monarch, whose happy subjects have an unshaken opinion of their own safety, which is the perfection of political liberty:

liberty: such a constitution shall in future ages be admired, when the names of tyrants and their vassals shall be alike forgot. This constitution, my Lords, is fixed: it is from thence that all power in the state derives its authority: therefore, no power can exceed the bounds of it without destroying its own foundation. It is conceived, that even the remotest and most inconsiderable subject hath an equitable claim to the benefit of the fundamental rules of the constitution; for all British subjects are alike free. The blessings of the British constitution will for ever keep the subjects in this province united to the mother state, as long as the sentiments of liberty are preserved: but what liberty can remain to them, when their property, the fruit of their toil and industry, and the prop of all their future hopes in life, may be taken from them at the discretion of others? They have never been backward in affording their aid to his Majesty, to the extent of their ability: they can say without vanity, and they may be allowed to boast, that from the days of their ancestors, no subjects have given more signal proofs of zeal for the service and honour of their sovereign, and affection for the parent country: It has still of late been the invariable usage for his Majesty's requisitions to be laid before their own representatives; and their aid has not been tributary, but the free and voluntary gift of all: the change is in its nature delicate and important; your Lordships will judge whether there be any necessity or pressing reasons of it: the House are not insensible that the colonies have their enemies, who may have represented them to his Majesty's ministers and the Parliament as seditious, disloyal, and disposed to set up an independency on Great Britain; but they rely upon the candour of your Lord-

ships judgment: they can affirm, that with regard to this province, and, they presume, all the colonies, the charge is injurious and unjust; the superintending authority of his Majesty's high court of Parliament, the supreme legislative over the whole empire, is as clearly admitted here as in Britain; so far as is consistent with the fundamental rules of the constitution: and, it is presumed, it is not further admissible there.

The House are humbly in opinion, that a representation of their constituents in that high court, by reason of local circumstances, will for ever be impracticable: and that his Majesty's royal predecessors were graciously pleased, by charter, to erect a legislative in the province, as perfectly free as a subordination would admit, that the subjects here might enjoy the unalienable right of a representation; and further, that the nation hath ever since considered them as subjects, though remote, and conceded to the acts of the subordinate legislation. Their charter is a check upon them, and effectually secures their dependance on Great Britain; for no acts can be in force till the King's governor has given his assent, and all laws that are made are laid before his Majesty, who at any time, during three years after they are made, may disannul them at his royal pleasure: under this check the House humbly conceive a representation in Parliament cannot be necessary for the nation, and for many reasons it cannot be eligible to them: all they desire is, to be placed on their original standing, that they may still be happy in the enjoyment of their invaluable privileges, and the nation may still reap the advantage of their growth and prosperity.

The House intreat your Lordships patience one moment longer, while they just mention the danger they apprehend

apprehend to their liberties, if the crown, in addition to its uncontroverted right of appointing a governor, should also appoint him a stipend at the expence of the people, and without their consent. And also, whether, as the judges and other civil officers of the province do not hold commissions during good behaviour, there is not a probability that arbitrary rule may in some time take effect, to the subversion of the principles of equity and justice, and the ruin of liberty and virtue.

It is humbly hoped, that your Lordships will conceive a favourable opinion of the people of the province; and that you will patronize their liberties, so far as in your great wisdom and candour you shall judge to be right.

Signed by the Speaker.

The following is a genuine copy of the circulatory letter which was sent from the House of Representatives of the province of Massachusetts-Bay, to the Speakers of the respective Houses and Burgeffes on the Continent of North America.

*Province of the Massachusetts-Bay,
Feb. 11, 1768.*

S I R,

The House of Representatives of this province have taken into their serious consideration the great difficulties that must accrue to themselves and their constituents, by the operation of the several Acts of Parliament imposing duties and taxes on the American colonies.

As it is a subject in which every colony is deeply interested, they have no reason to doubt but your House is duly impressed with its importance; and that such constitutional measures will be come into as are proper. It seems to be necessary, that all possible care should be taken that the representations of the several assemblies,

upon so delicate a point, should harmonize with each other: the House therefore hope that this letter will be candidly considered in no other light than as expressing a disposition freely to communicate their mind to a sister colony, upon a common concern, in the same manner as they would be glad to receive the sentiments of your, or any other House of Assembly on the continent.

The House have humbly represented to the Ministry their own sentiments: that his Majesty's High Court of Parliament is the supreme legislative power over the whole empire: that in all free states the constitution is fixed; and as the supreme legislative derives its power and authority from the constitution, it cannot overleap the bounds of it, without destroying its foundation: that the constitution ascertains and limits both sovereignty and allegiance: and therefore his Majesty's American subjects who acknowledge themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the British constitution: that it is an essential unalterable right in nature, ingrafted into the British constitution as a fundamental law, and ever held sacred and irrevocable by the subjects within the realm, that what a man hath honestly acquired is absolutely his own, which he may freely give, but cannot be taken from him without his consent: that the American subjects may therefore, exclusive of any consideration of charter rights, with a decent firmness adapted to the character of freemen and subjects, assert this natural constitutional right.

It is moreover their humble opinion, which they express with the greatest deference to the wisdom of the parliament; that the acts made there, imposing duties on the people of this province, with the sole and express purpose

purpose of raising a revenue, are infringements of their natural and constitutional rights; because, as they are not represented in the British parliament, his Majesty's commons in Britain by those acts grant their property without their consent.

This House further are of opinion, that their constituents, considering their local circumstances, cannot by any possibility be represented in the Parliament; and that it will for ever be impracticable that they should be equally represented there, and consequently not at all; being separated by an ocean of a thousand leagues: that his Majesty's royal predecessors, for this reason, were graciously pleased to form a subordinate legislative here, that their subjects might enjoy the unalienable right of a representation. Also that considering the utter impracticability of their ever being fully and equally represented in parliament, and the great expence that must unavoidably attend even a partial representation there, this House think, that a taxation of their constituents, even without their consent, grievous as it is, would be preferable to any representation that could be admitted for them there.

Upon these principles, and also considering that were the right in the parliament ever so clear, yet for obvious reasons it would be beyond the rule of equity, that their constituents should be taxed on the manufactures of Great Britain here, in addition to the duties they pay for them in England, and other advantages arising to Great Britain from the acts of trade; this House have preferred a humble, dutiful, and loyal petition to our most gracious sovereign, and made such representation to his Majesty's ministers, as they apprehend would tend to obtain redress.

They have also submitted to consideration, whether any people can

be said to enjoy any degree of freedom, if the crown, in addition to its undoubted authority of constituting a governor, should appoint him such a stipend as it shall judge proper, without the consent of the people, and at their expence: and whether, while the judges of the land, and other civil officers, hold not their commissions during good behaviour, their having salaries appointed for them by the crown, independant of the people, hath not a tendency to subvert the principles of equity, and endanger the happiness and security of the subject.

In addition to these measures, the House have wrote a letter to their agent, Mr. De Berdt, the sentiments of which he is directed to lay before the ministry; wherein they take notice of the hardship of the act for preventing mutiny and desertion; which requires the governor and council to provide enumerated articles for the King's marching troops, and the people to pay the expence: and also the commission of the gentlemen appointed commissioners of the customs to reside in America, which authorizes them to make as many appointments as they think fit, and to pay the appointees what sums they please, for whose mal-conduct they are not accountable: from whence it may happen, that officers of the crown may be multiplied to such a degree, as to become dangerous to the liberty of the people, by virtue of a commission which doth not appear to this House to derive any such advantages to trade as many have been led to expect.

These are the sentiments and proceedings of this house: and as they have too much reason to believe, that the enemies of the colonies have represented them to his Majesty's ministers and the parliament as factious, disloyal, and having a disposition to make

make themselves independent of the mother country, they have taken occasion, in the most humble terms, to assure his Majesty and his ministers, that with regard to the people of this province, and, as they doubt not, of all the colonies, that the charge is unjust.

The House is fully satisfied, that your assembly is too generous and enlarged in sentiment to believe, that this letter proceeds from an ambition of taking the lead, or dictating to the other assemblies: they freely submit their opinion to the judgment of others; and shall take it kind in your House to point out to them any thing further that may be thought necessary.

This House cannot conclude without expressing their firm confidence in the King, our common head, and father, that the united and dutiful supplications of his distressed American subjects will meet with his royal and favourable acceptance.

Signed by the Speaker.

A copy of the above letter was also, by order of the House, sent to Dennis De Berdt, Esq; agent to the province in London; that he might make use of it, if necessary, to prevent any misrepresentation of it in England.

In the House of Representatives, Feb. 13, 1768.

Whereas this House hath directed that a letter be sent to the several Houses of Representatives and Burgesses of the British colonies on the continent, setting forth the sentiments of the House, with regard to the great difficulties that must accrue by the operation of divers acts of parliament, for levying duties and taxes on the colonies for the sole and express purpose of raising a revenue, and their proceedings thereon, in an humble, loyal and dutiful petition to the King, and such representations to his Ma-

jeesty's ministers as they apprehended might have a tendency to their obtaining relief: and whereas it is the opinion of this House, that all effectual methods should be taken to cultivate a harmony between the several branches of this government, as being necessary to promote the prosperity of his Majesty's government in the province:

Resolved, That Mr. Otis, Col. Preble, Mr. Spooner, Mr. Sayward, and Mr. Hall, be a committee to wait on his Excellency the Governor, and acquaint him that a copy of the letter aforesaid will be laid before him as soon as it can be drafted, as well as of all the proceedings of the House relative to said affair, if he shall desire it; and that the said committee humbly request that his Excellency would be pleased to favour the House with a copy of the letter from the Right Hon. the Earl of Shelburne, lately read to the House by order of his Excellency, and his own several letters to which it refers.

T. CUSHING, Speaker.

His Excellency's Answer.

Gentlemen of the House of Representatives.

In answer to your message of the 13th instant, I find it necessary to inform you, that soon after the letter of the Earl of Shelburne was read in your House, I ordered a copy of it to be given to the Speaker, to be used as he should think fit, upon condition that no other copy should be taken thereof: I am very willing that the copy in the Speaker's hands should be communicated to you in any manner which is consistent with that restriction.

I know of no letters of my own which I think can be of any use to you upon this occasion.

I quite agree with you in opinion that all effectual methods should be taken to cultivate an harmony between
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the several branches of the legislature of this government, as being necessary to promote the prosperity of the province; and I shall cheerfully join with you in all proper measures for so salutary a purpose.

*Council-Chamber, FRA. BERNARD.
Feb. 16, 1768.*

*In the House of Representatives, Feb.
18, 1768.*

Ordered, that Mr. Hancock, Major Frye, Colonel Richmond, Colonel Noyes, and Col. Stoddard, be a committee to wait upon his Excellency the Governor, and present to him the following answer to his message of the 16th instant.

T. CUSHING, Speaker.

May it please your Excellency,

Your message of the 16th instant has been read and duly considered in the House of Representatives. The manner, in which your Excellency was pleased to introduce into this house the letter from the Right Hon. the Earl of Shelburne, by giving orders to the secretary to read it without leaving a copy, appeared to be unprecedented and unparliamentary; but this made but a light impression on the house, when the members recollected; as far as they could, the unfavourable sentiments his lordship thought himself necessitated to entertain of the two houses of this assembly, and of some particular members in this house, whose characters in the opinion of the house stand unimpeachable. Under this apprehension they thought it necessary for their vindication humbly to request your Excellency to favour them with a copy of his lordship's letter; and as it appeared to them that his lordship had formed his sentiments of the two houses, and their members, from your own letters to which he referred, the house thought they could not do themselves and their members justice, unless they could be favoured with a sight of them also,

and accordingly requested it of your Excellency.

You are pleased to say that you know of no letters of your "own that you think can be of any use to the house upon this occasion."—The house did not in their vote or message say what occasion they had to request them. But when his lordship expressly says, that it appears from your several letters, that your negating counsellors in the late elections was done with due deliberation and judgment, it is natural for the house to conclude, that your Excellency had thought it convenient, to give his lordship, the particular reasons you had, for a measure so rare and extraordinary.—These reasons seem to have prevailed to justify your Excellency; for his lordship acquaints you, that his Majesty is graciously pleased to approve of your having exerted the power lodged in you by the constitution of the province: but unfortunately for the two houses his lordship passes a different judgment upon their conduct, and takes occasion to applaud the wisdom of those who framed the charter, in providing that a power should be placed in the Governor as an occasional check upon any indiscreet use of the right of electing counsellors. It evidently appears from this passage, that his Majesty's minister has conceived an opinion of the two houses, as having made an indiscreet use of a charter right. The house were willing to be convinced that this opinion and other sentiments expressed in his lordship's letter, which imply an high censure upon the two houses, and upon particular members of this house, were rather inferences drawn from your letters, in which his lordship might be liable to mistake, than the direct expressions of it: had your Excellency been pleased, to have favoured them with the copies, they might have

have been of use on this occasion, and satisfactory to the house: but as you have thought proper to refuse them, they are left to conjecture with all possible candour, and appeal to the world.

His Lordship is induced to believe, that the assembly have made an indiscreet use of their right of chusing counsellors, to the exclusion of the principal officers of government from the board, whose presence there as counsellors so manifestly tends to facilitate the course of public business, and who have therefore been before this period usually elected; and, that they have thus exerted their right, with a far different intention from that, of promoting the re-establishment of tranquility, and evincing the duty and attachment of the colony towards Great-Britain.—The house would be glad to justify this construction of his Lordship's letter, which is nearly in the words of it, by publishing it in their journals, but that is inconsistent with your Excellency's restrictions.—This is not the first time that his Majesty's ministers, and even his Majesty himself, after having had before him your Excellency's letters, and the inclosures, has thought it necessary to form an opinion of his loyal subjects of this province, as having a degree of ill temper prevailing among them: and your Excellency cannot be insensible, that the present house have heretofore, for the sake of conciliating the minds of the people, and restoring an unanimity to this general court, requested your Excellency to give them the opportunity of making it evident to their constituents, that your letters had no tendency to induce such an opinion: and the house still think that nothing would tend more to promote the salutary purpose of cultivating an harmony between the several branches of this legislature, in which your Ex-

cency expresses a disposition cheerfully to join with the house, than an open and unreserved explanation to each other: for this purpose, the house in their message assured you, that they were ready to lay before you their humble petition to his Majesty, and their representations to his ministers, with all their other proceedings upon the important matters that have been before them, at the same time that they made their reasonable request of your Excellency's letters.

After having recited a great part of the sentiment of his Lordship's letter, no one can be astonished at the conclusion he is pleased to make, that under such circumstances it cannot be surprising, that his Majesty's governor exerts the right entrusted to him by the same constitution, to the purpose of excluding those from the council, whose mistaken zeal may have led them into improper excesses, and whose private resentments (and his lordship adds, he should be sorry to ascribe to them motives still more blameable) may in your opinion further lead them to embarrass the administration and endanger the quiet of the province.—Surely his lordship would never have passed such a censure upon the two houses of assembly, nor upon particular gentlemen altogether strangers to him, but upon what he thought to be the best authority: it is far beneath his character and dignity to give credit, or even to hearken to any account so prejudicial to the reputation of the province, and of particular persons, but what he receives from gentlemen in the highest stations in it.—Your Excellency then must allow the house to believe, until they shall be convinced to the contrary, that your several letters, to which his lordship refers, are so fully expressed as to have left his lordship no room to suspect that he could be mistaken.

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In such a case your Excellency cannot think that the house can remain in silence: they recommend to their injured members a becoming calmness and fortitude; and take this occasion to bear a testimony to their zeal for the honour of their king and the rights of their constituents: but the character of the people whom this house represent, as well as their own honour is at stake, and requires them to take every prudent measure for their own vindication. The house are truly sorry that this new occasion of mistrust and jealousy has happened, but they can never be so wanting to themselves, as to omit the opportunity of removing from his lordship's mind the unfavourable impressions which appear by his letters, and what is of much greater importance to them, of standing before their sovereign in their own just character of loyal subjects.

February 23, 1768.

The Secretary went down to the House of Representatives with the following message from his Excellency the Governor, which to prevent mistakes was reduced to writing, and a copy thereof delivered to the Speaker.

Mr. Speaker,

I am ordered by his Excellency to inform you that as this House has thought fit to permit their message of Feb. 18th, containing extracts from the Secretary of State's letter with observations upon it to be printed in a common news-paper, it is to no purpose to continue the restriction against granting copies of such letter: he therefore consents that it may be entered upon the journal of the house.

Copy of a letter from the Right Hon. the Earl of Shelburne, to his Excellency Gov. Bernard, dated Whitehall, 17th Sept. 1767, which was

read to the House by order of his Excellency, and occasioned the letter to his Lordship inserted p. 198.

I have the pleasure to signify to you his Majesty's approbation of your conduct, and to acquaint you, that he is graciously pleased to approve of your having exerted the power lodged in you, by the constitution of the province of Massachusetts-Bay, of negating counsellors in the late election, which appears from your several letters to have been done with due deliberation and judgment.

Those who framed the present charter very wisely provided that this power should be placed in the governor as an occasional check upon any indiscreet use of the right of electing counsellors, which was given by charter to the assembly, which might at certain periods, by an improper exercise, have a tendency to disturb the deliberations of that part of the legislature, from whom the greatest gravity and moderation is more peculiarly expected. As long therefore as the assembly shall exert their right of election to the exclusion of the principal officers of government, from council, whose presence there, as counsellors, so manifestly tends to facilitate the course of public business, and who have therefore been before this period usually elected, and whilst, in particular, they exclude men of such unexceptionable characters as both the present lieutenant governor and secretary undoubtedly are, and that too, at a time when it is more peculiarly the duty of all parts of the constitution to promote the re-establishment of tranquility, and not forego the least occasion of evincing the duty and attachment of the colony towards Great-Britain; it cannot, under such circumstances, be surprising that his Majesty's governor exerts the right entrusted to him by the same constitution, to the purpose of excluding

cluding those from the council whose mistaken zeal may have led them into improper excesses, and whose private resentments (and I should be sorry to ascribe to them motives still more blameable) may in your opinion further lead them to embarrass the administration and endanger the quiet of the province.

The dispute which has arisen concerning the lieutenant-governor's being present without a voice, at the deliberations of the council, is no otherwise important, than as it tends to shew a warmth in the House of Representatives which I am extremely sorry for.—There is no pretence of danger to be apprehended from the presence of the lieutenant governor in council, there is no novelty in the practice, and there is an apparent utility and propriety in admitting him to be present at the deliberations of the council, who may be suddenly called to the administration of the province. If this opposition to the lieutenant governor's sitting in council, is to be considered as personal, it must appear here very extraordinary, that a person of his very respectable character, and whose learning and ability have been exerted in the service of America, should yet meet with so much animosity and ill-will in a province, which seems to owe him particular obligations. But the question concerning his admission seems to lie after all in the breast of the council only, as being the proper judges of their own privileges, and as having the best right to determine whom they will admit to be present at their deliberations.

As to what concerns the agency of the province, it is doubtless a point that merits attention: but as matters of this nature from other provinces have been heretofore under the consideration of the lords of trade, his Majesty has been pleased to refer the

whole matter to their lordships for their report, before any determination shall be taken thereupon.

I am to inform you, Sir, that it is his Majesty's determined resolution to extend to you his countenance and protection in every constitutional measure that shall be found necessary for the support of his government in the Massachusetts-Bay: and it will be your care and your duty to avail yourself of such protection in those cases only, where the honour and dignity of his Majesty's government is really either mediately or immediately concerned,

It is unnecessary to observe that the nature of the English constitution is such as to furnish no real ground of jealousy to the colonies, and where there is so large a foundation of confidence, it cannot be, but that accidental jealousies must subside, and things again return to their proper and national course; the extremes even of legal right, on either side, though sometimes necessary, are always inconvenient, and men of real property, who must be sensible that their own prosperity is connected with the tranquility of the province, will not long be inactive, suffer their quiet to be disturbed, and the peace and safety of the state endangered by the indiscretion or resentment of any.

I am, with great truth and regard,
Sir, your most obedient
humble servant,
SHELBURNE.

A Letter to the Right Hon. the Earl of Shelburne, occasioned by his Lordship's Letter to his Excellency Governor Bernard, read to the House by the Secretary, by his Excellency's Order.

*Province of the Massachusetts-Bay,
January 22, 1768.*

My

My Lord,

His Excellency Governor Bernard has been pleased to give orders to the secretary of this province to read to the House of Representatives a letter he had received from your Lordship, dated Whitehall the 17th of September, 1767; which having done, the secretary withdrew, without leaving a copy as usual.

The House were both grieved and astonished to find your Lordship under a necessity of expressing such unfavourable sentiments of the two Houses of the general assembly, as well as of some particular members of this House, altogether strangers to you, with regard to the election of counsellors in May last. They observed, that your Lordship's letter had a reference to several of his Excellency's letters, upon which your sentiments seemed to be formed: and as his Excellency had intimated to the Speaker of the House his desire of having a copy of a certain letter which the House had directed to be sent to the Speakers of the several Houses of Assembly in the other colonies, a copy of which it is presumed will be laid before your Lordship; the House appointed a committee to wait on his Excellency, and acquaint him, that they were ready to lay before him the said letter, and their whole proceedings, relating to an important affair then before them, if he should desire it. And the same committee was directed humbly to request his Excellency to favour the House with a copy of your Lordship's letter, together with his own letters to which it referred. Whereupon messages passed between the Governor and House, which the House begs leave to inclose to your Lordship.

As the House think they have just grounds of suspicion, that his Excellency's letters to your Lordship contain, at least, an implication of charge

and accusation against them, which they are kept in ignorance of, they rely upon your known candour and justice, that upon this their humble request, you will be pleased to give orders, that copies be laid before the House of Representatives; that they may have the opportunity of vindicating themselves and their constituents, and of happily removing from your mind an opinion of them, grounded, as your Lordship might then reasonably judge, upon good information, as having behaved in a manner unbecoming the character of loyal subjects. They hope you will be so favourable as to suspend your farther judgment of them, till they can be made acquainted with the matters that may have been alledged against them, and can make their defence. In the mean time they beg leave just to mention to your Lordship, that the elections of the last May, so far as this House had a part in them, were made with a freedom and deliberation suitable to the importance of them; that they were influenced by no motives but the prosperity of his Majesty's government, and the happiness of his subjects: that the non-election of several gentlemen of distinguished character and station, was by no means the effect of party prejudice, private resentment, or motives still more blameable; but the result of calm reflection upon the danger that might accrue to our excellent constitution, and the liberties of the people, from too great an opinion of the legislative, executive and judiciary powers of government, which, in the opinion of the greatest writers, ought always to be kept separate: nor was this a new opinion, formed at a certain period; but it has been the prevailing sentiment of many of the most sensible and unexceptionable gentlemen in the province for many years past; upon principles, which your Lordship's thorough

rough knowledge of the constitution, and the just balance of the several powers of government, this House is assured, will justify. And although his Excellency was pleased to exercise his undoubted right of negating some of the gentlemen elected, the House have had no reason to alter their opinion of them, as being unexceptionable in point of ability, fortune, and character. They beg pardon for this further trouble given to your Lordship, which they could not avoid; being solicitous to set their conduct in its true point of light before you: and they rely upon your known justice, that you will intercede with the throne for this province. They are assured; that your Lordship will not suffer a province to be misrepresented, even by persons of station here: and if there be any such, they flatter themselves, that their removal will render this people happy in the esteem of the parent country, and much more so in the smiles of the best of Kings.

Signed by the Speaker.

Papers relating to a supposed libel on the Governor of the Province of the Massachusetts-Bay.

The following was published in the Boston Gazette, of February 29. Messrs. Edes and Gill.

Please to insert the following.

May it please your —, We have for a long time known your enmity to this province. We have full proof of your cruelty to a loyal people. No age has perhaps furnished a more glaring instance of obstinate perseverance in the path of malice, than is now exhibited in your —. Could you have reaped any advantage from injuring this people, there would have been some excuse for the manifold abuses with which you have loaded them. But when a diabolical thirst for mischief is the alone motive of

your conduct, you must not wonder if you are treated with open dislike; for it is impossible, how much soever we endeavour it, to feel any esteem for a man like you—Bad as the world may be, there is yet in every breast something which points out the good man as an object worthy of respect, and marks the guileful treacherous man-hater for disgust and infamy—

Nothing has ever been more intolerable than your insolence upon a late occasion, when you had by your judicial insinuations, induced a worthy minister of state, to form a most unfavourable opinion of the province in general, and some of the most respectable inhabitants in particular; you had the effrontery to produce a letter from his Lordship, as proof of your success in calumniating us.— Surely you must suppose we have lost all feeling, or you would not dare thus tauntingly to display the trophies of your slanders, and upbraidingly, to make us sensible of the inexpressible misfortunes which you have brought upon us.—But I refrain, lest a full representation of the hardships suffered by this too long insulted people should lead them to an unwarrantable revenge. We never can treat good and patriotic rulers with too great reverence—But it is certain that men totally abandoned to wickedness, can never merit our regard, be their stations ever so high.

*“If such men are by God appointed,
“The Devil may be the Lord’s anointed.”**

A TRUE PATRIOT.

* These two Lines are taken from Rochester’s Satires.

Boston, March 3,

Tuesday last his Excellency the Governor was pleased to send the following Message to the Hon. his Majesty’s Council.

Gentlemen of the Council,

I have been used to treat the publications in the Boston Gazette with the

the contempt they deserve, but when they are carried to a length, which, if unnoticed, must endanger the very being of government, I cannot consistently with the regard to this province which I profess and really have, excuse myself from taking notice of a publication in the Boston Gazette of yesterday, beginning at the top of the second column of the second page of the supplement. I therefore consult you in council thereupon, and have received your unanimous advice, that I should lay the said libellous paper before the House of Representatives.

In pursuance of which advice, I have ordered the Secretary to communicate to you the said libellous paper, that you may take the same, together with all the circumstances attending it, into your serious consideration, and do therein as the Majesty of the King, and the dignity of his government, the honour of this general court, and the true interest of this province, shall require.

*Council Chamber, FRA. BERNARD,
March 1, 1768.*

In answer to which, there being the full number of the council present, excepting three gentlemen, the board unanimously voted the following address to his Excellency.

The Board have taken into serious consideration your Excellency's message of the first instant, with the Boston Gazette communicated therewith.

The article in said Gazette, referred to by your Excellency, gave the board a real concern, not only as it is mischievous in its tendency, but as it is a false, scandalous, and impudent libel upon your Excellency.

Although the author of it may endeavour to screen himself by the omission of a name, yet as it refers particularly to a transaction so lately had in the general court, there is the highest presumption, the intention of it could be no otherwise than to place

your Excellency in the most odious light.

Such an insolent and licentious attack on the chief magistrate (the King's representative in the province) involves in it an attack on government itself; as it is subversive of all order and decorum, and manifestly tends to destroy the subordination, that is absolutely necessary to good government, and the well-being of society. It would have been flagitious at any time, but being perpetrated while the general court is sitting, and a transaction in the court the alleged occasion of it, it becomes from these and other circumstances, in the highest degree flagitious; and may justly be deemed, not only an insult on the general court; not only an insult on the King's authority, and the dignity of his government; but, as it concludes with the most unwarrantable profaneness, an insult upon the King of Kings.

The board therefore cannot but look upon the said libel with the utmost abhorrence and detestation: and they are firmly persuaded the province in general view it in the same light: the threats therefore implied in the said libel cannot be the threats of the province, but of the libeller.

The board take this opportunity with one voice to assure your Excellency, that, to the utmost of their power, they will always defend and support the honour and dignity of the King's governor: and will be ever ready to do, in this affair, as in every other, whatever the majesty of the King, the honour of the general court, and the true interest of this province, shall require.

His Excellency was pleased to return the following answer.

Gentlemen,

I thank you most heartily for this address, in which you express so full and

and unanimous a sense of your duty to the King, and your resolution to support his government in this province. For myself, I am so fortified in a consciousness of my own integrity, which has hitherto defied the utmost malice to impeach it publicly, that I am not to be moved by the impotent attacks of an anonymous libeller. I should not have taken notice of the libel in question, if I had not apprehended it pregnant with danger to the government. As you are of the same opinion, I have only to assure you, that I will at all times most readily join with you in all proper measures to maintain the authority of the King, and to promote the welfare of the people, within the province, committed by his Majesty to my charge.

Council-Chamber, FRA. BERNARD.

March 3, 1768.

His Excellency sent the like message to the House of Representatives, as the preceding to the Council, mutatis mutandis; to which the House made the following answer.

In the House of Representatives, March 3, 1768.

Ordered, That Mr. Hancock, Mr. Otis, Col. Ward, Mr. Spooner, and Capt. Bradford, be a committee to wait on his Excellency the Governor, with the following answer to his message of the 1st instant.

May it please your Excellency,

In duty and great respect to his Majesty's representative and governor of the province, this house have given all due attention to your message of the first instant. You are pleased to recommend to their serious consideration, a publication in the Boston Gazette of Monday last as "being carried to a length, which if unnoticed, must endanger the very being of government." In this view, your Excellency, in the notice you have taken of it, without doubt, acted

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"consistently with the regard to this province, which you profess."

We are very sorry that any publication in the news-paper, or any other cause, should give your Excellency an apprehension of danger to the being or dignity of his Majesty's government here. But this house, after examination into the nature and importance of the paper referred to, cannot see reason to admit of such conclusion as your Excellency has formed. No particular person public or private is named in it: and as it doth not appear to the house, that any thing contained in it can affect "the majesty of the King, the dignity of the government, the honour of the general court, or the true interest of the province," they think they may be fully justified in their determination to take no further notice of it.†

The liberty of the press is a great bulwark of the liberty of the people: it is therefore the incumbent duty of those who are constituted the guardians of the people's right, to defend and maintain it. This house, however, as one branch of the legislature, in which capacity alone they have any authority, are ready to discountenance an abuse of this privilege, whenever there shall be occasion for it: should the proper bounds of it be at any time transgressed, to the prejudice of individuals, or the public, it is their opinion at present, that provision is already made for the punishment of offenders in the common course of the law. This provision, the house apprehend, in the present state of tranquility in the province, is sufficient, without the interposition of the general assembly; which,

† The division upon this question was 56 to 18.—It was afterwards given in charge to the Grand Jury to present the piece as a libel. They refused to find the bill. And thus the matter stood when the last advices came from Boston.

which, however it is hoped, will at all times be both ready and willing to support the executive power in the due administration of justice, whenever any extraordinary aid shall become needful.

The division in the House upon this message was 39 to 30.

Boston, (Friday) March 4, 1768.

This day his Excellency the Governor prorogued the great and general court unto Wednesday the 13th of April next, after making the following speech.

Gentlemen of the House of Representatives,

The moderation and good temper, which appeared to regulate your conduct at the opening this session, so flattered me that I promised myself that the like disposition would have continued to the end of it. But I am sorry to find that the lovers of contention, have shewed themselves not so intent upon preventing it, as upon waiting for a fit opportunity to revive it. The extraordinary and indecent observations which have been made upon the Secretary of State's letter, wrote, as I may say in the presence of the King himself, will fully justify this suggestion. The causes of the censure therein contained, have been specifically assigned and set forth in the letter itself. These causes are facts universally known, and no where to be denied; they are considered in the letter as the sole causes of the censure consequent thereto; and there was no occasion to resort to my letters, or any other letters, for other reasons for it. If you think that this censure is singular, you deceive yourselves; and you are not so well informed of what passes at Westminster as you ought to be, if you do not know that it is as general and extensive as the knowledge of the proceeding to which it is applied: and therefore all your

insinuations against me, upon false suppositions of my having misrepresented you, are vain and groundless; when every effect is to be accounted for from plain narrative of facts which must have appeared to the Secretary of State from your own journals. It is not therefore me, gentlemen, that you call to account: it is the noble writer of the letter himself, the King's minister of state, who has taken the liberty to find fault with the conduct of a party in your assembly.

Nor am I less innocent of the making this letter a subject of public resentment. When upon the best advice, I found myself obliged to communicate it to you, I did it in such a manner, that it might not, and would not, if you had been pleased, have transpired out of the general court. Prudent men, moderate men would have considered it as an admonition rather than a censure, and have made use of it as a means of reconciliation, rather than of further distraction: but there are men to whose being (I mean the being of their importance) everlasting contention is necessary. And by these has this letter been dragged into public, and has been the subject of declamatory observations; which together with large extracts of the letter itself, have immediately after been carried to the press of the publishers of an infamous news-paper; notwithstanding the letter had been communicated in a confidence that no copy of it should be permitted to be taken. So little have availed the noble Lord's intentions of pointing out the means of restoring peace and harmony to this government, and my desire to pursue such salutary purpose to the utmost of my power.

Having said thus much to vindicate myself, which every honest man has a right to do, I must add, that I have done nothing on my part to occasion
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a dispute between me and your house; it has been forced upon me by particular persons for their own purposes. I never will have any dispute with the representatives of this good people which I can prevent, and will always treat them with due regard, and render them real service when it is in my power. Time and experience will soon pull the masks off those false patriots, who are sacrificing their country to the gratification of their own passions. In the mean while, I shall with more firmness than ever, if it is possible, pursue that steady conduct, which the service of the King and the preservation of this government so forcibly demand of me. And I shall, above all, endeavour to defend this injured country from the imputations which are cast upon it, and the evils which threaten it, arising from the machinations of a few, very few, discontented men, and by no means to be charged on the generality of the people.

Gentlemen of the Council,

I return you thanks for your steady, uniform and patriotic conduct during this whole session, which has shewn you impressed with a full sense of your duty both to your king and to your country. The unanimous example of men of your respectable characters, cannot fail of having great weight to engage the people in general, to unite in proper means to put an end to the dissention, which has so long harrassed this province in its internal policy, and disgraced it in its reputation abroad. I shall not fail to make a faithful representation to his Majesty of your merit upon this occasion.

Council-Chamber, March 4, 1768.

On the 21st of June, the members of the assembly of Massachusetts-bay received the following message from Governor Bernard.

Gentlemen of the House of Representatives,

I have his Majesty's orders to make a requisition to you, which I communicate in the very words in which I have received it. I must desire you to take it into immediate consideration, and I assure you that your resolution thereon will have most important consequences to the province. I am myself merely ministerial in this business, having received his Majesty's instruction for all I have to do in it. I heartily wish that you may see how forcible the expediency of your giving this testimonial of your duty and submission is at this time. If you should think otherwise, I must nevertheless do my duty.

Council-Chamber, FRA. BERNARD.

June 21, 1768.

The following was the extract of the letter from the Earl of Hillsborough, referred to in Governor Bernard's message, dated Whitehall, April 22d, 1768.

It gives great concern to his Majesty to find that the same moderation which appeared by your letter to have been adopted at the beginning of the session in a full assembly, had not continued, and that, instead of that spirit of prudence and respect to the constitution, which seemed at that time to influence the conduct of a large majority of the members, a thin house at the end of the session should have presumed to revert to, and resolve upon a measure of so inflammatory a nature as that of writing to the other colonies on the subject of their intended representations against some late acts of parliament.

His Majesty considers this step as evidently tending to create unwarrantable combinations, to excite an unjustifiable opposition to the constitutional authority of Parliament, and to revive those unhappy divisions and distractions which have operated so

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prejudicially to the true interests of Great Britain and the colonies.

After what passed in the former part of the session, and after the declared sense of so large a majority when the house was full, his Majesty cannot but consider this as a very unfair proceeding, and the resolutions taken thereupon to be contrary to the real sense of the assembly, and procured by surprize: and therefore it is the King's pleasure, that so soon as the general court is again assembled at the time prescribed by the charter, you should require of the House of Representatives, in his Majesty's name, to rescind the resolution which gave birth to the circular letter from the Speaker, and to declare their disapprobation of, and dissent to, that rash and hasty proceeding.

His Majesty has the fullest reliance upon the affection of his good subjects in the Massachusetts-Bay, and has observed, with satisfaction, that spirit of decency, and love of order, which has discovered itself in the conduct of the most considerable of its inhabitants; and therefore his Majesty has the better ground to hope, that the attempts made by a desperate faction to disturb the public tranquillity, will be discountenanced, and that the execution of the measure recommended to you will not meet with any difficulty.

Governor of the Massachusetts-Bay.

Two days after, the House of Assembly sent this message to Governor Bernard.

May it please your Excellency,

The House of Representatives humbly request your Excellency to lay before them a copy of his Majesty's instructions referred to in your message of the 21st instant; a copy of the letter to your Excellency from the Right Hon. the Earl of Hillsborough of April 22, 1768; a copy of a letter to his lordship, communicated lately

to the Honourable Board; and copies of letters wrote by your Excellency to his lordship, relating to the subject of the aforesaid message.

June 23, 1768.

The Governor replied to this message next day as follows;

Gentlemen of the House of Representatives.

I should have communicated the whole of the Earl of Hillsborough's letter relating to the business which I laid before you on the 21st instant, if I had not been desirous that your compliance with his Majesty's requisition might have its fullest merit, by its appearing to be entirely dictated by a sense of your duty.

But since you desire to know what my further orders are, I hereby send you a copy of the other part of the letter relative to this business, which contains all my instructions thereupon: and as I know you will not expect that I should disobey the King's positive commands, I must desire that if you should resolve to oblige me to execute them, you will previously to your giving your final answer, prevent the inconveniencies which must fall upon the people for want of the annual tax bill, which I understand is not as yet sent up to the board; for if I am obliged to dissolve the general court, I shall not think myself at liberty to call another, till I receive his Majesty's commands for that purpose, which will be too late to prevent the treasurer issuing his warrants for the whole tax granted by the act of last year.

As to the letter of the Earl of Hillsborough, which I communicated to the council, I must beg leave to be the proper judge of the time and occasion of communicating any papers I receive, to the council or the house. If I had then thought it expedient to lay it before the house, I should have then done it; when I shall think it so, I shall do it.

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As to your request of copies of my letters to the Secretary of State, you may assure yourselves that I shall never make public my letters to his Majesty's ministers, but upon my own motion, and for my own reasons.

Council-Chamber, FRA. BERNARD.

June 24, 1768.

Remainder of Lord Hillsborough's letter to the Governor of the Massachusetts-Bay, dated April 22, 1768.

—If it should, and if, notwithstanding the apprehensions which may justly be entertained of the ill consequence of a continuance of this factious spirit, which seems to have influenced the resolutions of the assembly at the conclusion of the last session, the new assembly should refuse to comply with his Majesty's reasonable expectation, it is the King's pleasure that you should immediately dissolve them, and transmit to me, to be laid before his Majesty, an account of their proceedings thereupon, to the end that his Majesty may, if he thinks fit, lay the whole matter before his Parliament, that such provisions as shall be found necessary may be made, to prevent for the future a conduct of so extraordinary and unconstitutional a nature.

As it is not his Majesty's intention that a faithful discharge of your duty should operate to your own prejudice, or to the discontinuance of any necessary establishments, proper care will be taken for the support of the dignity of government.

I am, with great truth and regard,
Sir, your most obedient

humble servant,

HILLSBOROUGH.

On the 28th of June, 1768, the House of Representatives received a message from the Governor in these words:

Gentlemen of the House of Representatives,

It is now a full week since I laid

before you his Majesty's requisition, signified by his Secretary of State: I must therefore desire you to come to a resolution upon it, for I cannot admit of a much longer delay, without considering it as an answer in the negative.

Council-Chamber, FRA. BERNARD.

June 28, 1768.

To this message the House returned the following answer the next day:

May it please your Excellency,

In answer to your Excellency's message of the 28th instant, the House of Representatives request, that your Excellency would favour this general court with a recess, that they may consult their constituents respecting the requisition contained in your message of the 21st inst. in consequence of the Earl of Hillsborough's letter to your Excellency.

The Governor immediately sent his reply to this request of the House of Assembly, as follows:

Gentlemen of the House of Representatives,

I cannot consistently with my sense of my duty prorogue or adjourn the general court, until I have received your answer to his Majesty's requisition; I must therefore repeat my request to you to bring this matter to a conclusion.

Council-Chamber, FRA. BERNARD.

June 29, 1768.

The next day, being Thursday the 30th of June, a committee of the House reported a letter to the Right Honourable the Earl of Hillsborough, which was distinctly read to the members several times, and afterwards accepted by a majority of ninety-three out of one hundred and five. A fair copy was ordered to be directly taken for the Speaker to sign and transmit to his lordship as soon as possible. This letter was in the following words:

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Province of the Massachusetts-Bay,
June 30, 1768.

My Lord,

His Excellency the governor of this province has been pleased to communicate to the House of Representatives extracts of a letter he had received from your Lordship, dated Whitehall, 22d of April, 1768; wherein it is declared to be the royal pleasure, that he should require of them, in his Majesty's name, to rescind the resolution, which gave birth to a circular letter from the Speaker of the last House, and to declare their disapprobation of, and dissent to, that rash and hasty proceeding.

The House are humbly of opinion, that a requisition from the throne of this nature, to a British House of Commons has been very unusual: perhaps there has been no such precedent since the revolution. If this be the case, some very aggravated representations of this measure must have been made to his Majesty, to induce him to require of this House to rescind a resolution of a former House, upon pain of forfeiting their existence; for, my Lord, the House of Representatives, duly elected, are constituted by the royal charter, the representative body of his Majesty's faithful commons of this province in the general assembly.—Your Lordship is pleased to say, that his Majesty considers this step “as evidently tending to create unwarrantable combinations, and to excite an unjustifiable opposition to the constitutional authority of Parliament:” the House, therefore, thought it their indispensable duty immediately to revise the letter referred to, and carefully to recollect, as far as they were able, the sentiments which prevailed in that House, to induce them to revert to and resolve on the measure.

It may be necessary to observe, that the people in this province have at-

tended, with a deep concern, to the several acts of the British Parliament, which impose duties and taxes on the colonies; not for the purpose of regulating the trade, but with the sole intention of raising a revenue. This concern, my Lord, so far from being limited within the circle of a few inconsiderate persons, is become universal: the most respectable for fortune, rank, and station, as well as probity and understanding, in the province, with very few exceptions, are alarmed with apprehensions of the fatal consequences of a power exercised in any one part of the British Empire, to command and apply the property of their fellow-subjects at discretion. This consideration prevailed on the last House of Representatives to resolve on a humble, dutiful, and loyal petition to the King, the common head and father of all his people, for his gracious interposition in favour of his subjects of this province.—If your Lordship, whom his Majesty has honoured with the American department, has been instrumental in presenting a petition so interesting to the well-being of his loyal subjects here, this House beg leave to make their most grateful acknowledgements, and to implore your continued aid and patronage.

As all his Majesty's North American subjects are alike affected by these Parliamentary revenue acts, the former House very justly supposed, that each of the assemblies on the continent would take such methods of obtaining redress as should be thought by them respectively to be regular and proper; and being desirous that the several applications should harmonize with each other, they resolved on their circular letter, wherein their only view seems to be to advertise their sister colonies of the measures they had taken upon a common and important concern, without once calling

ling upon them to adopt those measures, or any other.

Your Lordship, surely, will not think it a crime in that House, to have taken a step which was perfectly consistent with the constitution, and had a natural tendency to compose the minds of his Majesty's subjects of this and his other colonies, until in his royal clemency he should afford them relief—at a time when it seemed to be the evident design of a party to prevent calm, deliberate, rational, and constitutional measures from being pursued, or to stop the distresses of the people from reaching his Majesty's ear, and consequently to precipitate them into a state of desperation and melancholy extremity.—Thus, my Lord, it appears to this House; and your Lordship will impartially judge, whether a representation of it to his Majesty as a measure “of an inflammatory nature”—as a step evidently tending “to create unwarrantable combinations,” and “to excite an unjustifiable opinion to the constitutional authority of the Parliament,” be not injurious to the representatives of this people, and an affront to his Majesty himself.

An attempt, my Lord, to impress the royal mind with a jealousy of his faithful subjects, for which there are no just grounds, is a crime of the most malignant nature, as it tends to disturb and destroy that mutual confidence between the Prince and the subjects, which is the only true basis of public happiness and security: your Lordship, upon enquiry, may find that such base and wicked attempts have been made.

It is an inexpressible grief to the people of this province, to find repeated censurers calling upon them, not from ministers of state alone, but from Majesty itself, grounded on letters and accusations from the governor, a sight of which tho' repeatedly

requested of his Excellency, is refused.

—There is no evil of this life which they so sensibly feel as the displeasure of their sovereign; it is a punishment which they are assured his Majesty would never inflict, but upon a representation of the justice of it from his servants whom he confides in.—Your Lordship will allow the House to appeal to your own candor upon the hardship of their being made to suffer so severe a misfortune, without ever being called to answer for themselves, or even made acquainted with the matters of charge alledged against them; a right which, by the common rules of society, founded in the eternal laws of reason and equity, they are justly entitled to. The House is not willing to trespass upon your patience; they could recite numbers of instances since Governor Bernard has been honoured by his Majesty to preside over this province, of their suffering the King's displeasure through the instrumentality of the Governor, intimated by the Secretary of State, without the least previous notice that they had ever deviated from the path of their duty. This they humbly conceive, is just matter of complaint, and it may serve to convince your Lordship, that his Excellency has not that tender feeling for his Majesty's subjects which is characteristic of a good Governor, and of which the sovereign affords an illustrious example.

It is the good fortune of the House to be able to shew that the measures of the last House, referred to in your Lordship's letter to the governor, have been grossly misrepresented in all its circumstances; and it is matter of astonishment, that a transaction of the House, the business of which is constantly done in the open view of the world, could be thus coloured; a transaction which, by special order of the House, was laid before his Excellency,

lency, whose duty to his Majesty is, at least, not to misinform him.

His Excellency could not but acknowledge, in justice to that House, that moderation took place in the beginning of the session. This is a truth, my Lord. It was a principle with the House to conduct the affairs of government in their department so as to avoid the least occasion of offence. As an instance of their pacific disposition, they granted a further establishment for one of his Majesty's garrisons in the province, rather to gratify his Excellency, who had requested it, than from a full conviction of its necessity. But your Lordship is informed, that this moderation "did not continue," and that "instead of a spirit of prudence and respect of the constitution, which seemed at that time to influence the conduct of a large majority of the members, a thin House, at the end of the session, presumed to revert to, and resolve on a measure of an inflammatory nature,"—"contrary to the real sense of the House,"—and "procured by surprise."—My Lord, the journal and minutes of the House will prove the contrary of all this: and to convince your Lordship, the House beg leave to lay before you the several resolutions relating to these matters as they stand recorded.

The House having finished their petition to the King, and their letters to divers of his Majesty's ministers; a motion was regularly made, on the 21st of January, which was the middle of the session, and a resolution was then taken, to appoint a time to consider the expediency of writing to the assemblies of the other colonies on this continent, with respect to the importance of their joining with them in petitioning his Majesty at this time. Accordingly, on the day assigned, there being eighty-two members present, a number always allowed to be

sufficient to make a full House, the question was debated; in consequence of which a motion took place, that letters be wrote to the several assemblies of the provinces and colonies on the continent, acquainting them that the House had taken into consideration the difficulties to which they are, and must be reduced, by the operation of the late acts of Parliament, for levying duties and taxes on the colonies; and have resolved on an humble, dutiful, and loyal petition to his Majesty for redress, and also upon proper representations to his Majesty's ministers on the subject. And to desire that they would severally take such constitutional measures thereupon, as they should judge most proper. And the question upon the motion passed in the negative—On Thursday the 4th of February, it was moved in the House, that the foregoing question be reconsidered, so far as to leave it at large; and, conformable to a standing rule of the House, that no vote or order shall be reconsidered at any time, unless the House be as full as when such vote or order was passed; the number in the House was called for, and it appearing that eighty-two members were present*, the question was put, and passed in the affirmative by a large majority: and by an immediately subsequent resolve, the first vote was ordered to be erased.—The same day the resolution which gave birth to the circular letter took place; a question being regularly moved and fairly debated, whether the House would appoint a committee to prepare a letter to be sent to each of the Houses of

* The same number as before: it is to be observed that the House at that time consisted of about 130 members; by the royal charter 40 makes a quorum; hence it appears that 82 members are more than double the number sufficient legally to transact business, and were then three quarters of the whole House.

Representatives

Representatives and Burgesses on the continent, to inform them of the measures which this House has taken with regard to the difficulties arising from the acts of Parliament for levying duties and taxes on the American colonies, and report to the House, which passed in the affirmative; and a committee was appointed accordingly: This committee, after deliberating a week, reported the letter, which was read in the House and accepted almost unanimously; and fair copies of the same were ordered to be taken for the Speaker to sign and forward as soon as might be: and this day there were eighty-three members in the House.

The day following an order passed, that a fair copy of this letter be transmitted to Dennis De Berdt, Esq; in London. The design of which was, that he might be able to produce it, as necessity might require, to prevent any misrepresentation of its true spirit and design.

On Saturday the 13th of February, in order that no possible occasion might be taken by the governor, to think that the debates and resolutions were designed to be kept a secret from his Excellency, the House came into the following resolution, viz.—Whereas this House hath directed, that a letter be sent to the several Houses of Representatives and Burgesses of the British colonies on the continent, setting forth the sentiments of the House, with regard to the great difficulties that must accrue by the operation of divers acts of Parliament, for levying duties and taxes on the colonies, with the sole and express purpose of raising a revenue; and their proceedings thereon, in an humble, dutiful, and loyal petition to the King, and such representations to his Majesty's ministers, as they apprehend may have a tendency to obtain redress: and whereas it is the opinion of this House, that all effectual methods

should be taken, to cultivate an harmony between the several branches of this government, as being necessary to promote the prosperity of his Majesty's government in this province: Resolved, that a committee wait on his Excellency the governor, and acquaint him a copy of the letter aforesaid will be laid before him as soon as it can be drafted, as well as of all the proceedings of this House relative to the said affair, if he shall desire it. And a committee was appointed, who waited on his Excellency accordingly. —On Monday following, the House resolved on the establishment already mentioned, which is observed, only to shew your Lordship, that there was at this time, no disposition in the House, “to revive unhappy divisions and distractions, so prejudicial to the true interest of Great-Britain and the colonies.”

The House beg leave to apologize to your Lordship for the trouble given you in so particular a narration of facts; which they thought necessary to satisfy your Lordship;—that the resolution of the last House referred to by your Lordship, was not an unfair proceeding, procured by surprize in a thin House, as his Majesty has been informed; but the declared sense of a large majority, when the House was full: that the governor of the province was made fully acquainted with the measure; and never signified his disapprobation of it to the House, which it is presumed he would have done, in duty to his Majesty, if he had thought it was of evil tendency: and, that therefore, that House had abundant reason to be confirmed in their own opinion of the measure, as being the production of moderation and prudence. And the House humbly rely on the royal clemency, that to petition his Majesty, will not be deemed by him to be inconsistent with a respect to the British constitution as settled at the revolution by

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William

William the Third: that to acquaint their fellow-subjects, involved in the same distress, of their having so done, in full hopes of success, even if they had invited the union of all America in one joint supplication, would not be discountenanced by our gracious sovereign, as a measure of an inflammatory nature: that when your Lordship shall in justice lay a true state of these matters before his Majesty, he will no longer consider them as tending to create unwarrantable combinations, or excite an unjustifiable opposition to the constitutional authority of the Parliament: that he will then clearly discern, who are of that desperate faction, which is continually disturbing the public tranquillity; and, that while his arm is extended, for the protection of his distressed and injured subjects, he will frown upon all those, who, to gratify their own passions, have dared even to attempt to deceive him!

The House of Representatives of this province, have more than once, during the administration of Governor Bernard, been under the necessity of intreating his Majesty's ministers to suspend their further judgment, upon such representations of the temper of the people, and the conduct of the assembly, as they were able to make appear to be injurious: the same indulgence this House now beg of your Lordship: and beseech your Lordship to patronize them so far as to make a favourable representation of their conduct to the King our sovereign: it being the highest ambition of this House, and the people whom they represent, to stand before his Majesty in their just character of affectionate and loyal subjects.

Signed by the Speaker.

Then it was moved that the question be put, whether the House will rescind the resolution of the last House, which gave birth to their circular letter to the several Houses of

Representatives and Burgesses of the other colonies on the continent? and passed in the negative by a division of *ninety-two to seventeen.*

Hereupon the committee reported an answer to the Governor's messages of the 21st and 24th of June, which was accepted by a large majority, and is as follows.

A Message from the Assembly to the Governor, June 30, 1768.

May it please your Excellency,

The House of Representatives of this his Majesty's ancient and loyal province of the Massachusetts Bay, have, with the greatest deliberation, considered your messages of the 21st and 24th instant, with the several extracts from the letter of the Right Honourable the Earl of Hillsborough, his Majesty's principal Secretary of State for North American affairs, dated the 22d of April last, which your Excellency has thought fit to communicate. We have also received the written answer which your Excellency was pleased to give the committee of this House, directed to wait on you the 29th instant with a message humbly requesting a recess, that the members might be favoured with an opportunity to consult their constituents at this important crisis, when a direct and peremptory requisition is made of a new and strange construction, and so strenuously urged, viz. That we should immediately rescind the resolution of the last House to transmit circular letters to the other British colonies on the continent of North America, barely intimating a desire that they would join in similar dutiful and loyal petitions to our most gracious sovereign, for the redress of the grievances, occasioned by sundry late acts of Parliament calculated for the sole purpose of raising a revenue in America. We have most diligently revised not only the said resolution, but also the circular letter written and sent in consequence thereof,

thereof, and after all, they both appear to us, to be conceived in terms not only prudent and moderate in themselves, but respectful to the authority of that truly august body the Parliament of Great-Britain, and very dutiful and loyal in regard to his Majesty's sacred person, crown, and dignity; of all which we entertain sentiments of the highest reverence and most ardent affection; and should we ever depart from these sentiments, we must stand self-condemned, as unworthy the name of British subjects descended from British ancestors, intimately allied and connected in interests and inclination with our fellow subjects the Commons of Great-Britain. We cannot but express our deep concern, that a measure of the late House, in all respects so innocent, in most so virtuous and laudable, and as we conceive so truly patriotic, should have been represented to administration in the odious light of a party and factious measure, and that pushed through by reverting in a thin House to, and re-considering, what in a full assembly had been rejected: It was and is a matter of notoriety; that more than eighty members were present at the reconsideration of that vote against application to the other colonies. The vote of re-consideration was obtained by a large majority; it is, or ought to be well known, that the presence of eighty members makes a full House, this number being just double to that by the royal charter of the province required to constitute the third branch of our colony legislature.

Your Excellency might have been very easily informed, if you was not, that the measures of the late House in regard to sundry acts of the late Parliament for the sole purpose of raising a North American revenue, were generally carried by *ibree to one*; and we dare appeal to your Excellency for the truth of this assertion, namely, that there were many per-

sons in the majority, in all views, as respectable as the very best of the minority. Nay, so far from any sinister views, were the committee of the late House, appointed and directed to take into their most serious consideration the then present state of the province, from going into any rash or precipitate measures, that they for some days actually delayed their first report, which was a letter to Mr. agent De Berdt, on this candid and generous principle, that those who were reasonably presupposed to be most warmly attached to all your Excellency's measures, especially those for furthering, and by all means enforcing the acts for levying a North American revenue, might be present, and a more equal contest ensue. It would be incredible should any one assert, that your Excellency wanted a true information of all these things, which were not done, or desired to be hid in a corner, but were notoriously transacted in the open light at noon-day. It is to us altogether incomprehensible that we should be required, on the peril of a dissolution of the great and general court or assembly of this province, to rescind a resolution of a former House of Representatives, when it is evident that resolution has no existence but as a mere historical fact.

Your Excellency must know that the resolution referred to, is, to speak in the language of the common law, not now, "executory," but to all intents and purposes, "executed." The circular letters have been sent, and many of them have been answered; these answers are now in the public papers; the public, the world, must and will judge of the proposals, purposes, and the answers. We could as well rescind those letters as the resolves, and both would be equally fruitless; if by *rescinding*, as the word properly imports, is meant a repeal and nullifying of the resolution referred to: but, if, as is

most probable, by the word *rescinding* is intended the passing a vote of this House in direct and express disapprobation of the measures abovementioned as "illegal, inflammatory, and tending to promote unjustifiable combinations" against his Majesty's peace, crown, and dignity, we must take the liberty to testify, and publickly to declare, that we take it to be the native, inherent, and inalienable right of the subject, jointly or severally to petition the King for the redress of grievances: provided always, that the same be done in a decent, dutiful, loyal, and constitutional way, without tumult, disorder, or confusion. We are also humbly, but clearly and very firmly of opinion, that the petition of the late dutiful and loyal House to his Majesty, and their other very orderly applications for the redress of grievances, have had the most desirable tendencies and effects to keep mens minds in ease and quiet. We must be excused in thinking that the people were in truth patiently waiting for the meeting of the new Parliament, their measures, and his Majesty's pleasure: and it is probable that they would every where have thus waited for the great event, had it not been revealed here that the late provincial applications for redress of grievances were some-how strangely obstructed, and the province, in consequence of misinformation and misrepresentation, most unfortunately fallen under the royal displeasure: and to compleat this misfortune, it was not only disguised to the other colonies, but some of them actually received the information before it was made known here, that the house had been accused to his Majesty, or his ministry, or fallen under the displeasure of the one, or the censure of the other.

On the whole, Sir, we will con-

sider his most sacred Majesty, under God, ^{as} our King, and best protected and common Father: and shall ever bear him true and faithful allegiance. We also regard your Excellency as the representative of the greatest potentate on earth, and at all times have, so far as could consist with the important purposes of preserving life, liberty, and property, been most ready and willing to treat you with all that respect justly due to your high rank and station. But we are constrained to say, that we are disagreeably convinced that your Excellency entertains not that parental regard for the welfare of the good people of this province, which you have some times been pleased to profess, and which they have at all times an irrefragable right to expect from their governor. Your Excellency has thought fit not only to deny us a recess to consult our constituents, in regard to the present requisition, but has assured us, in effect, that you shall take silence, at least a delay, not as usual for a consent, but for a denial. You have also thought fit to inform us that you cannot think yourself at liberty, in case of the dissolution of this, to call another assembly, without the express orders of his Majesty for that purpose: at the same time your Excellency has been pleased to assure us that you have communicated the whole of Lord Hillsborough's letter, and your instructions, so far as relates to the requisition.—In all this, however, we cannot find that your Excellency is more than directed to dissolve the present assembly, in case of a non-compliance on the part of the House. If the votes of the House are to be controuled by the direction of a Minister, we have left us but a vain semblance of liberty. We know it to be the just prerogative of the Crown, at pleasure, to dissolve a Parliament: we are also sensible, that consistently with the

the great charter of this province, your Excellency when you shall think fit, with or without the intervention of the minister, can dissolve the great and general court of this colony, and that without the least obligation to convene another within the year. But should it ever grow in use for any ill-disposed governor of the province, by means of a mistaken or willfully wrong state of facts, to procure orders for a dissolution, that same charter will be of no value.

We take this opportunity faithfully and firmly to represent to your Excellency, that the new revenue acts and measures are not only disagreeable to, but in every view are deemed an insupportable burthen and grievance, with a very few exceptions, by all the freeholders and other inhabitants of this jurisdiction; and we beg leave, once for all, to assure your Excellency, that those of this opinion are of no "party or expiring faction." They have at all times been ready to devote their lives and fortunes to his Majesty's service. Of loyalty this majority could as reasonably boast as any who may happen to enjoy your Excellency's smiles: their reputation, rank, and fortune, are at least equal to those who may have been sometimes considered as the only friends to good government, while some of the best blood of the colony, even in two Houses of Assembly lawfully convened, and duly acting, have been openly charged with the unpardonable crime of oppugnation against the royal authority. We have now only to inform your Excellency, that this House have voted not to rescind, as required, the resolution of the last House, and that, on a division on the question, there were 92 *Nays* and 17 *Yeas*: In all this we have been actuated by a conscientious, and finally, a clear and determined sense of duty to God, to our King, our coun-

try, and to our latest posterity: and we most ardently wish, and humbly pray, that in your future conduct your Excellency may be influenced by the same principles.

His Excellency after having received the last foregoing message from the House, directed their attendance in the Council-Chamber; when, after giving his assent to several bills, he was pleased to prorogue the great and general court, to Wednesday the third day of August next; but the next day the assembly was dissolved by proclamation.

The following letters from several Houses of Representatives of the other Colonies, were received by the House of Representatives of the Province of Massachusetts-Bay, in answer to their circular letter of the 11th of February last.

To the Honourable the Speaker of the Honourable House of Representatives of the Province of the Massachusetts-Bay.

Virginia, May 9, 1768.

S I R,

The House of Burgesses of this colony proceeded very soon after they met to the consideration of your important letter of the 11th of February, 1768, written in the name and by the order of the House of Representatives of your province; and I have received their particular direction to desire you to inform that honourable House, that they applaud them for their attention to American liberty, and that the steps they have taken thereon, will convince them of their opinion of the fatal tendency of the acts of parliament complained of, and of their fixed resolution to concur with the other colonies in their application for redress.

After the most deliberate consultation, they thought it their duty to represent to the Parliament of Great-Britain, that they are truly sensible

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of the happiness and security they derive from their connexions with, and dependance on Great Britain, and are under the greatest concern that any unlucky incident should interrupt that salutary harmony, which they wish ever to subsist. They lament that the remoteness of their situation often exposes them to such misrepresentations, as are apt to involve them in censures of disloyalty to their sovereign, and the want of a proper respect to the British Parliament, whereas they have indulged themselves in the agreeable persuasion, that they ought to be considered as inferior to none of their fellow-subjects in loyalty and affection.

That they do not affect an independency of their parent kingdom, the prosperity of which they are bound to the utmost of their abilities to promote, but cheerfully acquiesce in the authority of parliament to make laws for preserving a necessary dependance and for regulating the trade of the colonies. Yet they cannot conceive, and humbly insist, it is not essential to support a proper relation between a mother-country and colonies transplanted from her, that she should have a right to raise money from them without their consent, and presume they do not aspire to more than the natural rights of British subjects, when they assert that no power on earth has a right to impose taxes on the people, or take the smallest portion of their property, without their consent, given by their representatives in parliament. This has ever been considered as the chief pillar of the constitution; without this support no man can be said to have the least shadow of liberty, since they can have no property in that, which another can by right take from them when he pleases, without their consent.

That their ancestors brought over with them intire, and transmitted to their descendants, the natural and constitutional rights they had enjoyed in their native country; and the first principles of the British constitution were early engrafted into the constitution of the colonies. Hence a legislative authority, ever essential in all free states, was derived, and assimilated as nearly as might be to that in England; the executive power and the right of assenting or dissenting to all laws reserved to the crown, and the privilege of choosing their own representatives continued to the people, and confirmed to them by repeated and express stipulations. The government thus established, they enjoyed the fruits of their own labour with a serenity which liberty only can impart. Upon pressing occasions they applied to his Majesty for relief, and gratefully acknowledge they have frequently received it from their mother-country: whenever their assistance was necessary, requisitions have constantly been made from the crown to the representatives of the people, who have complied with them to the utmost extent of their abilities. The ample provision made for the support of civil government, in the reign of King Charles the second, and at his request, and the large supplies voted during the last war upon requisitions from his Majesty and his royal grandfather, afford early and late instances of the dispositions of the assemblies of this colony, and are sufficient proofs that the parliament of Great Britain did not till lately, assume a power of imposing taxes on the people, for the purpose of raising a revenue.

To say that the Commons of Great Britain have a right to impose internal taxes on the inhabitants of this continent, who are not and cannot be

be represented, is in effect to bid them prepare for a state of slavery. What must be their situation, should such a right be established? The colonies have no constitutional check on their liberality in giving away their money, cannot have an opportunity of explaining their grievances, or of pointing out the easiest method of taxation, for their doom will generally be determined before they are acquainted that the subject has been agitated in parliament, and the commons bear no proportion of the taxes they lay upon them. The notion of a virtual representation, which would render all our rights merely ideal, has been so often and so clearly refuted, that nothing need be said on that head.

The oppressive stamp-act confessedly imposed internal taxes, and the late acts of Parliament, giving and granting certain duties in the British colonies, plainly tend to the same point. Duties have been imposed to restrain the commerce of one part of the empire that was likely to prove injurious to another, and by this means the welfare of the whole promoted; but duties imposed on such of the British exports as are necessities of life, to be paid by the colonists on importation, without any view to the interests of commerce, but merely to raise a revenue, or in other words to compel the colonists to part with their money against their inclinations, they conceive to be tax internal to all intents and purposes. And can it be thought just or reasonable, restricted as they are in their trade, confined as they are in their exports, obliged to purchase these very necessities at the British Market, that they should now be told they shall not have them without paying a duty for them?

The act suspending the legislative power of New-York, they consider as still more alarming to the colonies,

though it has that single province in view. If the Parliament can compel them to furnish a single article to the troops sent over, they may, by the same rule, oblige them to furnish cloaths, arms, and every other necessary, even the pay of the officers and soldiers—a doctrine replete with every mischief, and utterly subversive of all that's dear and valuable:—for what advantage can the people of the colonies derive from their right of choosing their own representatives, if those representatives when chosen, not permitted to exercise their own judgments, were under a necessity (on pain of being deprived of their legislative authority) of enforcing the mandates of a British Parliament.

This, Sir, is a sketch of their sentiments, as they are expressed in a petition to his Majesty, a Memorial to the Right Honourable the Lords Spiritual and Temporal, and in a Remonstrance to the Knights, Citizens and Burgeses of Great Britain in Parliament assembled. In all their proceedings the council of this colony have concurred, and have directed their agent, James Abercromby, Esq; to join Edward Montague, Esq; the agent for this colony, in applying for redress of the grievances they so justly complain of. Copies were delivered to the President of the Council, now Commander in Chief, who is desired to transmit them to the Secretary of State appointed by his Majesty to manage the affairs of North America, and Mr. Montague is enjoined to consult the agents of the other colonies, and to co-operate with them in every measure that shall be thought necessary to be taken on this critical point.

They trust they have expressed themselves with a firmness that becomes freemen pleading for essential rights, and with a decency that will take off every imputation of faction

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or disloyalty. They repose entire confidence in his Majesty, who is ever attentive to the complaints of his subjects, and is ever ready to relieve their distress; and they are not without hopes that the colonies united in a decent and regular opposition, may prevail on a new House of Commons to put a stop to measures so directly repugnant to the interests both of the mother country, and her colonies. In the name and by order of the House of Burgesses, I am, with the greatest respect, your most obedient humble servant,

PEYTON RANDOLPH, Speaker.

Colony of New Jersey, May 9, 1768.

S I R,

As soon as the House of Representatives of this colony met, which was on the 12th of April, I laid your letter of the 11th of February before them.

Sensible that the law you complain of, is a subject in which every colony is interested, the House of Representatives readily perceived the necessity of an immediate application to the King, and that it should correspond with those of the other colonies; but as they have not had an opportunity of knowing the sentiments of any other colonies but that of the Massachusetts-Bay, they have endeavoured to conform themselves to the mode adopted by you.

They have therefore given instructions to their agent, and enjoined his attention to the subject of their petition.

The freedom with which the House of Representatives of the Massachusetts-Bay have communicated their sentiments upon a matter of so great concern to all the colonies, hath been received by this House, with that candor, the spirit and design of your letter merits.—And at the same time, that they acknowledge themselves ob-

liged to you for communicating your sentiments to them, they have directed me to assure you, that they are desirous to keep up a correspondence with you, and to unite with the colonies, if necessary, in further supplications to his Majesty to relieve his distressed American subjects. In the name and by order of the House of Representatives, I am, Sir, your most obedient humble servant,

CORTLAND SKINNER, Speaker.

Colony of Connecticut, 11th June, 1768.

S I R,

By order of the House of Representatives of this colony, I am to acknowledge the receipt of your letter of the 11th February last, communicating the sense which the representative body of your province have of the great difficulties to which they and their constituents must be subjected by the operation of the several acts of the British Parliament by you referred to, and the measures they have gone into for obtaining redress of those grievances.

Your letter was laid before this House of Representatives early in the session which is now just closed. They consider the said acts of parliament in their nature, tendency, and operation as matters of serious concern, and of very interesting importance, to this and all the English American colonies, and are of opinion that no constitutional measures proper for obtaining relief ought to be neglected by any, and that it is of importance their measures for that end should harmonize with each other, as their success may in a great degree depend on their union in sentiment and practice, on this critical and interesting occasion.

The House therefore very kindly accepted your letter, and are persuaded from the importance of the cause, the laudable zeal, and the gene-

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rous exertions of the province of the Massachusetts-Bay, from time to time, in favour of her constitutional freedom, that it proceeded only from a hearty concern for the just rights, the common interest and welfare of these colonies.

This House are desirous ever to cultivate the strictest friendship and harmony with the neighbouring colonies, and with none more than your's, and will be always ready to receive, with the utmost candor, their opinion in any matters of general concern, and equally willing on all proper occasions to communicate their own sentiment on any subjects of our common welfare, in full confidence they would meet with the same friendly and candid acceptance.

This House have also taken into their serious consideration the operation of the said acts of parliament, and are deeply sensible that this, in common with her sister colonies, must thereby be involved in great difficulties, which are perhaps a prelude to still greater, and have pursued measures for obtaining redress, similar to those adopted by the House of Representatives of your province.

We cannot but entertain with you, the strongest confidence in the King's royal clemency, justice, and goodness, that the united, dutiful supplications of his faithful, distressed subjects in America, will meet with a kind and gracious acceptance.

In the name and by order of the House of Representatives, I am, Sir, with great esteem and respect, your most obedient humble servant,

ZEBULON WEST, Speaker.

To the Honourable the Speaker of the House of Representatives in the Province of the Massachusetts-Bay.

Province of Georgia, 15th June, 1768.

S I R,

Your requested favour of the 11th

February came to my hand only a few days since. I am sorry it is not in my power to give you so full and satisfactory an answer thereto, as the importance of the subject requires: the members of the present assembly of this province have but lately been elected, and though the writs were returnable, and the House required to meet the first of this month, yet our Governor thought proper, prior thereto, to prorogue the assembly until November; for this reason, Sir, I can only for the present, reply to your favour as a private person, or late Speaker, and inform you, that before the dissolution of the last assembly, the House took under consideration the several late acts of parliament for imposing taxes and duties on the American colonies, and being sensibly affected thereby, ordered the committee of correspondence to instruct our provincial agent, (Mr. Benjamin Franklin) to join earnestly with the other colonies agents in soliciting a repeal of those acts, and in remonstrating against any acts of the like nature for the future: this instruction hath been transmitted to Mr. Franklin, and I have no doubt but he will punctually observe it. When the assembly meet I will lay your favour before the House; and I am assured such measures will be pursued in consequence thereof as will manifest their regard for constitutional liberty, and their respect for the House of Representatives of the province of Massachusetts-Bay, whose wife and spirited conduct is so justly admired.

I am Sir, with the utmost respect,

Your most obedient servant,

ALEXANDER WYLLY.

The Speaker of the House of Representatives of Massachusetts-Bay also received the following letter from the Speaker of the House of Representatives of the Province of Maryland, relating to the circular letter.

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*Province of Maryland, June 24th,
1768.*

S I R,

I had the honour to receive your favour of the 11th of February last, and on a meeting of our assembly I communicated it to our House, and I am desir'd to assure you they acknowledge themselves oblig'd by a candid and free communication of sentiments of a sister colony on a point so interesting to the whole; and that their opinion of the consequences to the colonies of the operation of the several acts of parliament you allude to, coincide exactly with yours, and that they are persuad'd of the necessity of harmonizing as much as possible in proper measures for redress.

This House, upon considering the acts of parliament, prepar'd an humble, dutiful, and loyal petition to his Majesty, setting forth, That it is a fixed and unalterable principle in the nature of things, and a part of the very idea of property, that whatever a man hath honestly acquired cannot be taken from him without his consent; that this immutable principle is ingrafted as a fundamental into the English constitution, and is declared by Magna Charta, and the petition and bill of rights, and from thence every British subject, the most distant, is justly intitled to all the rights of Englishmen; that this right is further declared and confirm'd by our charter; under the confidence whereof our forefathers encountered ever difficulty, to settle this colony, which under providence has increased his Majesty's subjects, extended the trade, and added to the wealth of the mother country: that we have always been permitted to enjoy this right until lately; that we are not, nor can we ever be effectually represented in the British parliament; and that these statutes do, in our apprehension, in-

fringe the great fundamental principle, that no man can be tax'd but with his own consent given by himself or his Representative. This, Sir, is the substance of our petition, and I am order'd to transmit it to Charles Garth, Esq; special agent for our House of Delegates, to be presented, and we shall request him to co-operate with yours and the other colony agents in endeavouring to procure us relief, and hope with you his Majesty's great goodness of heart will incline him to receive the dutiful supplications of his remote subjects with favour and attention.

Just before the close of our session we received a message from our Governor, a copy of which you have herewith; and also a copy of the address by our House in answer thereto, which fully convey to you their sentiments on the subject.

I am, in the name and by order of the House of Representatives, Sir, with very great respect, your most humble and obedient servant,

ROBERT LLOYD, Speaker.

*To the Honourable Thomas Cushing,
Esq; Speaker of the Honourable
House of Representatives of Mas-
sachusetts-Bay.*

*Copy of the message from Governor
Sharpe to the House of Representa-
tives of the Province of Maryland.
Gentlemen of the Lower House of Assem-
bly.*

The King our most gracious sovereign having been inform'd that a circular letter, a copy of which hath been communicated to his ministers, was in February last sent by the Speaker of the House of Representatives of the colony of Massachusetts to the Speakers or other Houses of Assembly in North America, hath been pleas'd to order it to be signify'd to me, that he considers such measure to be of a most dangerous and

and factious tendency, calculated to inflame the minds of his good subjects in the colonies, to promote an unwarrantable combination, to excite and encourage an open opposition to and denial of the authority of Parliament, and to subvert the true principles of the constitution; but while I notify to you his Majesty's sentiments with respect to this matter, I am also to tell you that the repeated proofs which have been given by the assembly of this province of their reverence and respect for the laws, and of their faithful attachment to the constitution, leave little room for his Majesty to doubt of their shewing a proper resentment of such unjustifiable attempt to revive those distractions which have operated so fatally to the prejudice of both the colonies and the mother-country, and I flatter myself that in case such a letter has been addressed to the Speaker of your House, you will confirm the favourable opinion his Majesty at present entertains of his Maryland subjects, by taking no notice of such letter, which will be treating it with the contempt it deserves.

HORATIO SHARPE.

20th June, 1768.

Copy of the Address of the House of Delegates to Governor Sharpe, occasioned by the above Message.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland.

May it please your Excellency,

In answer to your Excellency's message of the 20th we must observe, that if the letter from the Speaker of the House of Representatives of the colony of Massachusetts-Bay, addressed to and communicated by our Speaker to this House, be the same with the letter, a copy of which you are pleased to intimate, hath been communicated to the King's ministers, it is very alarming to find that at a time when the people of America think

themselves aggrieved by the late acts of Parliament imposing taxes on them for the sole and express purpose of raising a revenue, and in the most dutiful manner are seeking redress from the Throne, any endeavours to unite in laying before their sovereign what is apprehended to be their just complaint, should be looked upon as a measure of most dangerous and factious tendency, calculated to inflame the minds of his Majesty's good subjects, in the colonies, to promote an unwarrantable combination, to excite and encourage an open opposition to, and denial of the authority of Parliament, and to subvert the true principles of the constitution.' We cannot but view this as an attempt in some of his Majesty's ministers to suppress all communication of sentiments between the colonies, and to prevent the united supplications of America from reaching the royal ear. We hope the conduct of this House will ever evince their reverence and respect for the laws and faithful attachment to the constitution; but we cannot be brought to resent an exertion of the most undoubted constitutional right of petitioning the throne, or any endeavours to procure and preserve an union of the colonies as an unjustifiable attempt to revive those distractions which it is said have operated so fatally to the prejudice of both the colonies and the mother country. We have the warmest and most affectionate attachment to our most gracious sovereign, and shall ever pay the readiest and most respectful regard to the just and constitutional power of the British Parliament; but we shall not be intimidated by a few sounding expressions from doing what we think is right. The House of Representatives of the colony of Massachusetts-Bay in their letter to us, have intimated that they have preferred an humble, dutiful and loyal petition to

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the King, and expressed their confidence that the united and dutiful supplications of his distressed American subjects will meet with his royal and favourable acceptance; and we think they have asserted their rights with a decent respect to their sovereign, and a due submission to the authority of Parliament. What we shall do upon this occasion, or whether in consequence of that letter we shall do any thing, it is not our present business to communicate to your Excellency: but of this be pleased to be assured, that we cannot be prevailed on to take no notice of, or to treat with the least degree of contempt, a letter so expressive of duty and loyalty to the sovereign, and so replete with just principles of liberty; and your Excellency may depend that whenever we apprehend the rights of the people to be affected, we shall not fail boldly to assert and steadily endeavour to maintain and support them, always remembering, what we could wish never to be forgot, that by the Bill of Rights it is declared, 'that it is the right of the subject to petition the King, and all commitments and prosecutions for such petitioning are illegal.' By order of the Lower House of Assembly,

ROBERT LLOYD, Speaker. *

June 23d, 1768.

The following is a Copy of a Letter communicated to the House of Assembly of the Colony of Rhode-Island, on Saturday the 18th of June, by the Governor of that Colony.

Whitehall, April 21, 1768.

Gentlemen,

I have his Majesty's commands to transmit to you the inclosed copy of a

* The answer of Governor Sharpe to this address, imported his disappointment in the effect of his message; and his having instructions to put an end to the session (whether to dissolve or prorogue it, he did not say) if the House proceeded to any measures in favour of liberty.

letter from the Speaker of the House of Representatives of the colony of the Massachusetts-Bay, addressed by order of that House to the Speaker of the assembly of each colony upon the continent of North-America; as his Majesty considers this measure to be of a most dangerous and factious tendency, calculated to enflame the minds of his good subjects in the colonies; to promote an unwarrantable combination, and to excite and encourage an open opposition to and denial of the authority of Parliament, and to subvert the true principles of the constitution.—It is his Majesty's pleasure that you should, immediately upon the receipt hereof, exert your utmost influence to defeat this flagitious attempt to disturb the public peace, by prevailing upon the assembly of your province to take no notice of it, which will be treating it with the contempt it deserves.

The repeated proofs which have been given by the assembly of Rhode-Island of their reverence and respect for the laws, and of their faithful attachments to the constitution, leave little room in his Majesty's breast to doubt of their shewing a proper resentment of this unjustifiable attempt to revive those distractions which have operated so fatally to the prejudice of this kingdom and the colonies: and accordingly his Majesty has the fullest confidence in their affection, and expects they will give him the strongest proofs of them on this and every other occasion.

I am, with great truth and regard, Gentlemen, your most obedient humble servant,

HILLSBOROUGH.

In the Providence Gazette, July 2, was published the following Letter to the Printer from Roger Martyn, Esq; If the design of the Earl of Hillsborough's letter, of the 21st of April last,

last, to the colony of Rhode Island, was to detach and divert them from uniting with the continent, in all legal endeavours, for a removal of general grievances, he hath missed of his aim. This colony is but the more confirmed of the necessity of a general union, when the oppression is common. This I think I may say, after having heard no one, even during the Session of Assembly in which that letter was read, express the least censure of the colony of the Massachusetts Bay, for writing the circular letter complained of; but, on the contrary, that proceeding is universally approved of. If it be the privilege of every subject to petition to the King, it is undoubtedly the right of a whole country to unite in a supplication for redress of grievances, which equally affect them all. This colony have adopted the measures recommended to them by their brethren of the Massachusetts-Bay, and a committee hath been appointed to prepare a draft of a petition on the subject recommended, who will soon report to the Assembly, notwithstanding the Earl's letter; and there cannot be the least doubt, but that such petition will be forwarded as soon as may be, as at the time when his surprising letter was received, the assembly were addressed by the Speaker of the House of Burgesses in Virginia, on the subject contained in the circular letter from Boston, wherein the sentiments of that ancient and respectable government appear to coincide with those of the Massachusetts-Bay, to which address the House directed their Speaker to send an answer, and signify their full approbation of the sentiments therein contained, and to assure him, that measures similar to those taken in that dominion should be pursued. And I am authorized to say, that an answer from our House of Commons, in this

colony, to the letter from Boston, would have been sent, and made public, had it not been for the intervention of some special business, which engrossed the attention of the House so much, during their session of only three or four days continuance, that they omitted to give any particular direction to their Speaker in that behalf, many of the House supposing he would have written an answer *ex officio*, as the House had entered into the measures recommended.

Upon a re-examination of the circular letter from the Massachusetts-Bay (with all due submission to the sagacity of his Lordship) nobody amongst us can discover any dangerous or factious tendency therein, or conceive it to be calculated to inflame the minds of the King's subjects in the colonies, or to promote any unwarrantable combinations, or to subvert any principles of the constitution: we rather think it a measure of the highest expediency—that the principles therein held forth are right, and in which all the colonies on the continent are unanimous in sentiment. A recession of one jot from the principles contained in that letter, would be dangerous to the general safety: and from the reception it hath met with, we hope that the colony of the Massachusetts-Bay will have the fortitude to endure all extremities, rather than rescind any resolutions that gave birth to it.

One would think, that a joint supplication would meet with a more gracious reception than separate and different prayers. In public and joint worship of the supreme being a special promise of blessing is annexed. Is it not very strange, then, that the minister should attempt to make us believe, that the recommendation from the principal government to the several legislatures in this remote part

of the world, to join in beseeching our gracious sovereign to consider and remove our griefs, is dangerous or factious? He might as well persuade us, that in a time of pestilence or famine, an united supplication to heaven to remove the calamity was an unwarrantable combination.

Unless the colonies are for tamely yielding up every valuable privilege, the minister ought to be plainly told, that let his single opinion be what it may, they so far understand their own liberties, that they will at all times, when they see fit, confer together, and correspond about their joint concerns, without asking his leave, and that they have a lawful right so to do.

If our petitions are prevented from reaching the royal ear—if the most dutiful supplications are called unwarrantable combinations—and, in fine, if legislation in this country is suspended, because we decently declare our rights, and pray for a continuance of them, of what use are agents at the court of Great Britain? If I might advise in this matter, I would propose a general revocation of their powers, and a discontinuance of any further commerce or business with the inhabitants of a country, who, being only fellow-subjects, would tyrannize over us.

Colony of Rhode-Island, Roger Martyn.
July 5, 1768.

A Memorial in behalf of the Inhabitants of Boston.
Sheweth,

That they bear the same sentiments of loyalty and duty towards our gracious King; and the same reverence for the great council of the nation, the British Parliament, as ever; and therefore are not willing their conduct should appear in an odious light to the ministry.—The principal occasion of the late tumults arose from the haughty conduct of the commissioners, and other officers appointed by

them.—The Romney man of war, having moored before the town, intimidated the coasting vessels bringing provisions, firewood, &c. committed many acts of violence and outrage; and in particular, by cutting away a vessel from Mr. Hancock's Wharf, detaining her several days, without any legal process being filed against her, &c. This irritated the people; who patrolled the streets in a tumultuous manner, broke several windows to the value of about 5l. sterling, burnt a pleasure boat belonging to the collector, and then dispersed at about 11 o'clock at night.—All which will more fully appear by twelve affidavits, of different persons, who were eye witnesses of the proceedings, hereunto annexed.—Three days after this, the commissioners made a voluntary abdication of their office; and went on board the Romney man of war. And from all the affidavits it does appear, that the cause of such tumult was entirely from the impudent and violent proceedings of the officers, particularly from the master of the Romney, who frequently ordered the marines to fire, and abused every body who advised a cooler conduct.

The above Memorial was presented to Administration with the twelve Affidavits, (immediately upon bearing the Reports which were so prejudicial to the Town) by Deems De Berdt, Esq; Agent for the Assembly.

SIR, Boston, July 13, 1768.

It is very surprising to people here, that the circular letter, transmitted from this government to the other colonies, could be represented and considered by the ministry in so odious a light as it appears it has been, by the late letter from the Earl of Hillsborough. It is amazing, that a measure so innocent, so prudent, and that had such a tendency to quiet the minds of the people; should be so misconstrued. However,

However, it seems the letter from the Earl of Hillsborough, respecting this affair, has had quite a different effect from what was designed and expected: instead of preventing the colonies from uniting in their applications to the throne for relief, it has served to make them more solicitous than ever of an union in sentiment and measures. This you will perceive, upon perusing the inclosed news paper, where you will find what has been done by the House of Delegates at Maryland. The colony of Rhode Island has immediately upon the reception of the letter abovementioned, prepared an address to his Majesty, which will soon be forwarded. Many of the other colonies have also forwarded their petitions and representations. The people through the continent are greatly alarmed, and will never be easy till the late acts are repealed, and things return to their old course. The merchants find they cannot vend your manufactures, the country people are so disgusted, and are determined not to continue their importations of English goods. We have now in the harbour five or six vessels of war, and are threatened with troops. If they should be sent here to enforce acts of Parliament, God only knows what will be the event. Thus we are sure of, that be the number of the troops ever so great, they cannot force us either to import, buy, or consume English goods. The mercantile interest on your side of the water is, and will be, greatly affected by these measures. It behoves them to bestir themselves upon this occasion, if they design to preserve their trade. It is the opinion of men of discernment and good judgment, that the people through the continent are much more alarmed at the late acts, than they were at the stamp act; and it would be vastly more difficult to reconcile the people

to them. God grant that the union between the mother country and the colonies may not be interrupted; and that those at the helm may be endowed with all that wisdom which may be needful to direct at such a critical day! I doubt not your good wishes for America.

Your most humble Servant,
T. CUSHING.

To Dennis De Berdt, Esq;

*An Address read at a numerous meeting
of the Merchants in Philadelphia on
the 25th of April, 1768.*

*(Written by Mr. Dickenson, author of
the Farmer's Letters.)*

Gentlemen, Friends, and Fellow Citizens,

You are called together to give your advice and opinion, what answer shall be returned to our brethren of Boston and New-York, who desire to know whether we will unite with them, in stopping the importation of goods from Great Britain, until certain acts of Parliament are repealed, which are thought to be injurious to our rights, as freemen and British subjects.

Before you come to any resolution, it may be necessary to explain the matter more fully.

When our forefathers came into this country, they considered themselves as freemen, and that their coming and settling these colonies did not divest them of any of the rights inherent in freemen; that, therefore, what they possessed, and what they or their posterity should acquire, was and would be so much their own, that no power on earth could lawfully, or of right, deprive them of it without their consent. The governments, which they, with the consent of the crown, established in the respective colonies, they considered as political governments, "where (as Mr. Locke expresses it)

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men have property in their own disposal." And therefore (according to the conclusion drawn by the same author in another place) "No taxes ought or could be raised on their property without their consent given by themselves or their deputies," or chosen representatives.

As they were members of one great empire, united under one head or crown, they tacitly acquiesced in the superintending authority of the Parliament of Great Britain, and admitted a power in it, to make regulations to preserve the connection of the whole entire. Though under colour of this, sundry regulations were made that bore hard on the colonies; yet, with filial respect and regard for Great Britain their mother country, the colonies submitted to them.

It will be sufficient here just to enumerate some of the most grievous.

1. The law against making steel, or erecting steel furnaces, though there are not above five or six persons in England engaged in that branch of business, who are so far from being able to supply what is wanted, that great quantities of steel are yearly imported from Germany.

2. Against plating and slitting mills and tilt hammers; though iron is the produce of our country, and from our manner of building, planting, and living, we are under a necessity of using vast quantities of nails and plated iron, as hoes, stove-pipes, plates, &c. all which are loaded with double freight, commissions, &c.

3. The restraint laid on hatters, and the prohibition of exporting hats.

4. The prohibition of carrying wool or any kind of woollen goods manufactured here, from one colony to another. A single fleece of wool or a dozen of home-made hose carried from one colony to another is

not only forfeited, but subjects the vessel, if conveyed by water, or the waggon and horses, if carried by land; to a seizure; and the owner to a heavy fine:

5. Though the Spaniards may cut and carry logwood directly to what market they please, yet the Americans cannot send to any foreign market, even what the demand in England cannot take off, without first carrying it to some British port, and there landing and re-shipping it at a great expence and loss of time.

6. Obliging us to carry Portugal and Spanish wines, fruit, &c. to England, there to unload, pay a heavy duty and re-ship it, thus subjecting us to a great expence, and our vessels to an unnecessary voyage of 1000 miles in a dangerous sea.

7. Imposing a duty on Madeira wines, which, if re-shipped to England, are subjected to the payment of the full duties there without any drawback for what was paid here.

8. The emptying their jails upon us, and making the colonies a receptacle for their rogues and villains; an insult and indignity not to be thought of, much less borne without indignation and resentment.

Not to mention the restrictions attempted in the fisheries, the duties laid on foreign sugar, molasses, &c. I will just mention the necessity they have laid us under of supplying ourselves wholly from Great-Britain with European and East-India goods at an advance of 20, and as to some articles, even of 40 per cent. higher than we might be supplied with them from other places.

But as if all these were not enough, a party has lately arisen in England, who, under colour of superintending authority of parliament, are labouring to erect a new sovereignty over the colonies, with power inconsistent with liberty or freedom.

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The first exertion of this power was displayed in the odious Stamp-Act. As the authors and promoters of this act were sensible of the opposition it must necessarily meet with, from men, who had the least spark of liberty remaining, they accompanied it with a bill still more odious, wherein they attempted to empower officers to quarter soldiers on private houses, with a view no doubt, to dragoon us into a compliance with the former act.

By the interposition of the American agents, and of the London merchants who traded to the colonies, this clause was dropt, but the act was carried, wherein the assemblies of the respective colonies were ordered, at the expence of the several provinces, to furnish the troops with a number of articles, some of them never allowed in Britain. Besides, a power is therein granted to every officer, upon obtaining a warrant from any justice, (which warrant the Justice is thereby empowered and ordered to grant, without any previous oath) to break into any house by day or by night, under pretence (these are the words of the act) of searching for deserters.

By the spirited opposition of the colonies, the first act was repealed: but the latter continued, which, in its spirit, differs nothing from the other. For thereby the liberty of the colonies is invaded, and their property disposed of without their consent, no less than by the Stamp-Act. It was rather the more dangerous of the two, as the appearance of the constitution was preserved while the spirit of it was destroyed, and thus a tyranny introduced under the forms of liberty. The assemblies were not at liberty to refuse their assent, but were to be forced to a literal compliance with the act. Thus, because the assembly of New-York hesitated to comply, their legislative power was immedi-

ately suspended by another act of parliament.

That the repeal of the Stamp-act might not invalidate the claims of sovereignty now set up, an act was passed, asserting the power of Parliament to bind us with their laws in every respect whatever. And to ascertain the extent of this power, in the very next session they proceeded to a direct taxation; and in the very words in which they dispose of their own property, they gave and granted that of the colonists, imposing duties on paper, glass, &c. imported into America, to be paid by the colonists for the purpose of raising a revenue.

This revenue, when raised, they ordered to be disposed of in such a manner as to render our assemblies or legislative bodies altogether useless, and to make Governors and Judges, who hold their commissions during pleasure, and the whole executive powers of government, nay, the defence of the country, independent of the people, as has been fully explained in the Farmer's Letters.

Thus with a consistency of conduct having divested us of property, they are proceeding to erect over us a despotic government, and to rule us as slaves. For "a despotical power," says Mr. Locke, is over such as have no property at all." If, indeed, to be subject in our lives and property to the arbitrary will of others, whom we have never chosen, nor ever entrusted with such power, be not slavery, I wish any person would tell me what slavery is.

Such then being the state of the case, you are now, my fellow-citizens, to deliberate, not, whether you will tamely submit to this system of government.—That I am sure your love of freedom and regard for yourselves and your posterity will never suffer you to think of.—But by what means you may defend your rights

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and liberties, and obtain a repeal of these acts.

In England, when the prerogative has been strained too high, or the people oppressed by the executive power, the Parliament who are the guardians and protectors of the people's liberties, always petition for redress of grievances, and enforce their petitions, by with-holding supplies until they are granted.

Our assembly, I am told, has applied for relief from these acts of parliament. But having nothing left to give, they could not enforce their application, by with-holding any thing.

It is, however, in our power, in a peaceable and constitutional way, to add weight to the remonstrance and petition of our representatives, by stopping the importation of goods from Britain, until we obtain relief and redress by a repeal of these unconstitutional acts.

But this, it may be said, is subjecting ourselves to present loss and inconvenience.

I would beg leave to ask, whether any people in any age or country ever defended and preserved their liberty from the encroachments of power, without suffering present inconveniences. The Roman people suffered themselves to be defeated by their enemies, rather than submit to the tyranny of the nobles. And even in the midst of war, the Parliament of England has denied to grant supplies, until their grievances were redressed; well knowing that no present loss, suffering, or inconvenience, could equal that of tyranny or the loss of public liberty. To cite an example, which our own country furnishes; you all remember that in the height of the late terrible Indian war, our assembly and that of Maryland chose rather to let the country suffer great inconvenience, than immediately grant

supplies on terms injurious to the public privilege and to justice.

As then we cannot enjoy liberty without property, both in our lives and estates; as we can have no property in that which another may of right take and dispose of as he pleases, without our consent; and as the late acts of parliament assert this right to be in them, we cannot enjoy freedom until this claim is given up, and until acts made in consequence of it be repealed. For so long as these acts continue, and the claim is kept up, our property is at their disposal, and our lives at their mercy.

To conclude, as liberty is the great and only security of property; as the security of property is the chief spur to industry, (it being vain to acquire what we have not a prospect to enjoy) and as the stopping the importation of goods is the only probable means of preserving to us and our posterity this liberty and security, I hope, my brethren; there is not a man among us, who will not cheerfully join in the measure proposed, and, with our brethren of Boston and New-York, freely forego a present advantage, nay, even submit to a present inconvenience for the sake of liberty, on which our happiness, lives, and properties depend. Let us never forget that our strength depends on our union, and our liberty on our strength. "*United we conquer, divided we die.*"

The following paper was published in London, about the beginning of the Year 1768. By Dr. BENJAMIN FRANKLIN.

The waves never rise but when the winds blow.

Prov.

As the cause of the present ill humour in America, and of the resolutions taken there to purchase less of our manufactures, does not seem to be generally understood, it may afford some satisfaction to our readers,

if you give them the following short historical state of facts.

From the time that the colonies were first considered as capable of granting aids to the crown, down to the end of the last war, it is said, that the constant mode of obtaining those aids was, by *requisition* made from the crown, through its governors to the several assemblies, in circular letters from the Secretary of State in his Majesty's name, setting forth the occasion, requiring them to take the matter into consideration, and expressing a reliance to their prudence, duty and affection to his Majesty's government, that they would grant such sums, or raise such numbers of men, as were suitable to their respective circumstances,

The colonies being accustomed to this method, have from time to time granted money to the crown, or raised troops for its service, in proportion to their abilities; and during all the last war beyond their abilities, so that considerable sums were return'd them yearly by Parliament, as they had exceeded their proportion.

Had this happy method of *requisition* been continued, (a method that left the King's subjects in those remote countries the pleasure of shewing their zeal and loyalty, and of imagining that they recommend themselves to their sovereign by the liberality of their voluntary grants) there is no doubt, but all the money that could reasonably be expected to be rais'd from them in any manner, might have been obtained, without the least heart-burning, offence, or breach of the harmony, of affections and interests, that so long subsisted between the two countries.

It has been thought wisdom in a government exercising sovereignty over different kinds of people, to have some regard to prevailing and established opinions among the people to

be governed, wherever such opinions might in their effects obstruct or promote public measures. If they tend to obstruct public service, they are to be changed, if possible, before we attempt to act against them; and they can only be changed by reason and persuasion. But if public business can be carried on without thwarting those opinions, if they can be, on the contrary, made subservient to it, they are not unnecessarily to be thwarted, how absurd soever such popular opinions may be in their natures.—This had been the wisdom of our government with respect to raising money in the colonies. It was well known, that the colonists universally were of opinion, that no money could be levied from English subjects, but by their own consent given by themselves or their chosen representatives: that therefore whatever money was to be raised from the people in the colonies, must first be granted by their Assemblies, as the money raised in Britain is first to be granted by the House of Commons: that this right of granting their own money, was essential to English liberty: and that if any man, or body of men, in which they had no representative of their choosing, could tax them at pleasure, they could not be said to have any property, any thing they could call their own. But as these opinions did not hinder their granting money voluntarily and amply whenever the crown by its servants came into their Assemblies (as it does into its Parliaments of Britain or Ireland) and demanded aids; therefore that method was chosen rather than the hateful one of arbitrary taxes.

I do not undertake here to support these opinions of the Americans; they have been refuted by a late act of Parliament, declaring its own power;—which very Parliament, however, shew'd wisely so much tender

regard to those inveterate prejudices, as to repeal a tax that had militated against them. And those prejudices are still so fixed and rooted in the Americans, that, it has been supposed, not a single man among them has been convinced of his error, even by that act of Parliament.

The person then who first projected to lay aside the accustomed method of requisition, and to raise money on America by stamps, seems not to have acted wisely, in deviating from that method (which the colonists looked upon as constitutional) and thwarting unnecessarily the fixed prejudices of so great a number of the King's subjects.—It was not, however, for want of knowledge that what he was about to do would give them great offence; he appears to have been very sensible of this, and apprehensive that it might occasion some disorders, to prevent or suppress which, he projected another Bill, that was brought in the same session with the stamp act, whereby it was to be made lawful for military officers in the colonies to quarter their soldiers in private houses. This seem'd intended to awe the people into a compliance with the other act. Great opposition however being raised here against the bill by the agents from the colonies, and the merchants trading thither, the colonists declaring, that under such a power in the army, no one could look on his house as his own, or think he had a home, when soldiers might be thrust into it and mix'd with his family at the pleasure of an officer, that part of the bill was dropt;—but there still remained a clause, when it passed into a law, to oblige the several assemblies to provide quarters for the soldiers, furnishing them with firing, bedding, candles, small beer or rum, and sundry other articles, at the expence of the several provinces. And this act continued in force when the

Stamp Act was repealed, though if obligatory on the assemblies, it equally militated against the American principle abovementioned, *that money is not to be raised on English subjects without their consent.*

The colonies nevertheless being put into high good humour by the repeal of the Stamp Act, chose to avoid a fresh dispute upon the other, it being temporary and soon to expire, never, as they hoped, to revive again; and in the mean time they, by various ways in different colonies, provided for the quartering of the troops, either by acts of their own assemblies, without taking notice of the act of parliament, or by some variety or small diminution, as of salt and vinegar, in the supplies required by the act, that what they did might appear a voluntary act of their own, and not done in obedience to an act of parliament, which, according to their ideas of their rights, they thought hard to obey.

It might have been well if the matter had thus passed without notice; but a Governor having written home an angry and aggravating letter upon this conduct in the assembly of his province, the outed Premier of the Stamp Act and his adherents, then in the opposition, raised such a clamour against America, as being in rebellion, and against those who had been for the repeal of the Stamp Act, as having thereby been encouragers of this supposed rebellion, that it was thought necessary to enforce the quartering act by another act of parliament, taking away from the province of New-York, which had been the most explicit in its refusal, all the powers of legislation, till it should have complied with that act. The news of which greatly alarmed the people every where in America, as (it has been said) the language of such an act seemed to them to be, *Obey implicitly*

plicity laws made by the Parliament of Great Britain to raise money on you without your consent, or you shall enjoy no rights or privileges at all.

At the same time a person lately in high office, projected the levying more money, from America, by new duties on various articles of our own manufacture, as glass, paper, painters colours, &c. appointing a new Board of Customs, and sending over a set of Commissioners, with large salaries, to be established at Boston, who were to have the care of collecting those duties; which were by the act expressly mentioned to be intended for the payment of the salaries of Governors, Judges, and other Officers of the crown in America? it being a pretty general opinion here, that those officers ought not to depend on the people there for any part of their support.

It is not my intention to combat this opinion. But perhaps it may be some satisfaction to your readers, to know what ideas the Americans have on the subject. They say then, as to Governors, that they are not like Princes whose posterity have an inheritance in the government of a nation, and therefore an interest in its prosperity; they are generally strangers to the provinces they are sent to govern, have no estate, natural connection, or relation there, to give them an affection for the country;—that they come only to make money as fast as they can; are sometimes men of vicious characters and broken fortunes, sent by a minister merely to get them out of the way: that as they intend staying in the country no longer than their government continues, and purpose to leave no family behind them, they are apt to be regardless of the good will of the people, and care not what is said or thought of them after they are gone. Their situation at the same time gives

them many opportunities of being vexatious, and they are often so notwithstanding their dependance on the assemblies for all that part of their support that does not arise from fees established by law; but would probably be much more so, if they were to be supported by money drawn from the people without their consent or good will, which is the professed design of this new act. That, if by means of these forced duties, government is to be supported in America, without the intervention of the assemblies, their assemblies will soon be looked upon as useless, and a governor will not call them, as having nothing to hope from their meeting, and perhaps something to fear from their enquiries into and remonstrances against his mal-administration. That thus the people will be deprived of their most essential rights. That it being, as at present, a governor's interest to cultivate the good will, by promoting the welfare of the people he governs, can be attended with no prejudice to the mother-country, since all the laws he may be prevailed on to give his assent to are subject to revision here, and if reported against by the Board of Trade, are immediately repealed by the crown; nor dare he pass any law contrary to his instructions, as he holds his office during the pleasure of the crown, and his securities are liable for the penalties of their bonds if he contravenes those instructions. This is what they say as to *Governors*. As to *Judges* they alledge, that being appointed from hence, and holding their commissions *not* during good behaviour, as in Britain, but during *pleasure*, all the weight of interest or influence would be thrown into one of the scales, (which ought to be held even) if the salaries are also to be paid out of duties raised upon the people without their consent, and independent of their

their Assemblies approbation or disapprobation of the judges behaviour. That it is true, judges should be free from all influence; and therefore, whenever government here will grant commissions to able and honest judges during good behaviour, the Assemblies will settle permanent and ample salaries on them during their commissions; but, at present, they have no other means of getting rid of an ignorant or an unjust judge (and some of scandalous characters have, they say, been sometimes sent them) but by starving him out.

I do not suppose these reasonings of theirs will appear here to have much weight. I do not produce them with an expectation of convincing your readers. I relate them merely in pursuance of the task I have imposed on myself, to be an impartial historian of American facts and opinions.

The colonists being thus greatly alarmed, as I said before, by the news of the act for abolishing the legislature of New-York, and the imposition of these new duties professedly for such disagreeable purposes; (accompanied by a new set of revenue officers with large appointments, which gave strong suspicions that more business of the same kind was soon to be provided for them, that they might earn these salaries;) began seriously to consider their situation, and to revolve afresh in their minds grievances which from their respect and love for this country, they had long borne and seemed almost willing to forget. They reflected how lightly the interest of all America had been estimated here, when the interest of a few inhabitants of Great Britain happened to have the smallest competition with it. That thus the whole American people were forbidden the advantage of a direct importation of wine, oil, and fruit, from Portugal, but must take them loaded with all the expen-

ces of a voyage 1000 leagues round about, being to be landed first in England to be re-shipped for America; expences amounting, in war time, at least 30 per cent. more than otherwise they would have been charged with, and all this merely, that a few Portugal merchants in London may gain a commission on those goods passing through their hands. Portugal merchants, by the by, that can complain loudly of the smallest hardships laid on their trade by *foreigners*, and yet even the last year could oppose with all their influence the giving ease to their *fellow subjects* labouring under so heavy an oppression!—That on a slight complaint of a few Virginia merchants, nine colonies had been restrained from making paper money become, absolutely necessary to their internal commerce, from the constant remittance of their gold and silver to Britain.—But not only the interest of a particular body of merchants, the interest of any small body of British tradesmen or artificers, has been found, they say, to outweigh that of all the King's subjects in the colonies. There cannot be a stronger natural right, than that of a man's making the best profit he can of the natural produce of his lands, provided he does not thereby hurt the state in general. Iron is to be found every where in America, and beaver furs are the natural produce of that country: hats and nails, and steel, are wanted there as well as here. It is of no importance to the common welfare of the empire, whether a subject of the King's gets his living by making hats on this or that side of the water. Yet the hatters of England have prevailed to obtain an act in their own favour, restraining that manufacture in America, in order to oblige the Americans to send their beaver to England to be manufactured, and purchase back the hats, loaded

ed with the charges of a double transportation. In the same manner have a few nail-makers, and still a smaller body of steel-makers (perhaps there are not half a dozen of them in England) prevailed totally to forbid by an act of parliament the erecting of sitting mills or steel furnaces in America, that the Americans may be obliged to take all the nails for their buildings, and steel for their tools, from these artificers, under the same disadvantages.

Added to these, the Americans remembered the act authorizing the most cruel insult that perhaps was ever offered by one people to another, that of emptying our gaols into their settlements; Scotland too having within these two years obtained the privilege it had not before, of sending its rogues and villains also to the plantations. I say, reflecting on these things, they said to one another (their news papers are full of such discourses) these people are not content with making a monopoly of us, forbidding us to trade with another country of Europe, and compelling us to buy every thing of them, though in many articles we could furnish ourselves 10, 20, and even to 50 per cent. cheaper elsewhere; but now they have as good as declared they have a right to tax us *ad libitum* internally and externally, and that our constitutions and liberties shall all be taken away, if we do not submit to that claim. They are not content with the high prices at which they they sell us their goods, but have now begun to enhance those prices by new duties; and by the expensive apparatus of a new set of officers, appear to intend an augmentation and multiplication of those burthens that shall be still more grievous to us. Our people have been foolishly fond of their superfluous modes and manufactures, to the impoverishing our country, carrying off all our

cash, and loading us with debt; they will not suffer us to restrain the luxury of our inhabitants as they do that of their own, by laws: they can make laws to discourage or prohibit the importation of French superfluities: but though those of England are as ruinous to us as the French ones are to them, if we make a law of that kind, they immediately repeal it. Thus they get all our money from us by trade, and every profit we can any where make by our fisheries, our produce or our commerce, centers finally with them; but this does not signify. It is time then to take care of ourselves by the best means in our power. Let us unite in solemn resolutions and engagements with and to each other, that we will give these new officers as little trouble as possible, by not consuming the British manufactures on which they are to levy the duties. Let us agree to consume no more of their expensive gew-gaws. Let us live frugally, and let us industriously manufacture what we can for ourselves: thus we shall be able honourably to discharge the debts we already owe them, and after that, we may be able to keep some money in our country, not only for the uses of our internal commerce, but for the service of our gracious Sovereign, whenever he shall have occasion for it, and think proper to require it of us in the old constitutional manner. For notwithstanding the reproaches thrown out against us in their public papers and pamphlets, notwithstanding we have been reviled in their senate as rebels and traitors, we are truly a loyal people. Scotland has had its rebellions, and England its plots against the present Royal Family; but America is untainted with those crimes; there is in it scarce a man, there is not a single native of our country, who is not firmly attached to his King by principle and by affection. But a

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new kind of loyalty seems to be required of us, a loyalty to Parliament; a loyalty, that is to extend, it is said, to a surrender of all our properties, whenever a House of Commons, in which there is not a single member of our chusing, shall think fit to grant them away without our consent; and to a patient suffering the loss of our privileges as Englishmen, if we cannot submit to make such surrender. We were separated too far from Britain by the ocean, but we were united to it by respect and love, so that we could at any time freely have spent our lives and little fortunes in its cause: but this unhappy new system of politics tends to dissolve those bands of union, and to sever us for ever.

These are the wild ravings of the at present half distracted Americans. To be sure, no reasonable man in England can approve of such sentiments, and, as I said before, I do not pretend to support or justify them: but I sincerely wish, for the sake of the manufactures and commerce of Great Britain, and for the sake of the strength which a firm union with our growing colonies would give us, that these people had never been thus needlessly driven out of their senses.

F. S.

The Report of the Lords Committee, appointed by the House of Lords to enquire into the several proceedings in the Colony of Massachusetts-Bay, in opposition to the Sovereignty of his Majesty, in his Parliament of Great Britain, over that Province; and also what hath passed in this House relative thereto, from the first day of January, 1764.

Die Mercurii, 20 Aprilis, 1764.

The Earl of Buckinghamshire reported from the Lords Committees appointed to enquire into the several proceedings in the Colony of Massa-

chusetts-Bay, in opposition to the sovereignty of his Majesty, in his Parliament of Great Britain, over that Province, and also what hath passed in this House relative thereto, from the first day of January, 1764, as follows:

That, in obedience to your Lordships commands, the committee have met, and taken into consideration the matters to them referred; and having attentively read, and considered, the several papers which have been laid before the House, relative to the proceedings in the colony of Massachusetts-Bay, in opposition to the Sovereignty of his Majesty, in his Parliament of Great Britain, over that province; and having also carefully inspected the Journals of the House, from the first day of January, 1764, to the present time; they find, that, on the second day of April, 1764, a bill was brought up from the Commons to your Lordships, intitled, 'An act for granting certain duties in the British colonies and plantations in America, for continuing, and amending, and making perpetual, an act passed in the sixth year of the reign of his late Majesty King George the Second, (intituled, 'an act for the better securing and encouraging the trade of his Majesty's sugar colonies in America; for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expences, of defending, protecting, and securing, the said colonies and plantations; for explaining an act made in the twenty-fifth year of the reign of King Charles the Second, intituled, an act for the encouragement of the Greenland and Eastland trades, and for the better securing the Plantation trade;). and for altering and disallowing several draw-backs on exports from this kingdom, and more

‘ more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain.’

That this Bill passed the House on the fourth of April, and received the royal assent, on the following day.

The committee having perused the report of the Board of Trade, of the eleventh day of December, 1764, and the papers laid before his Majesty therewith; find, in the said papers, the strongest assertions, by the assembly of the Massachusetts-Bay, of their sole right to pass laws, particularly of taxation, and of their resolution to invite the other colonies to combine with them in measures to prevent the King, in his Parliament, from passing any such laws; for instance, in a letter to Mr. Mauduit, then agent of the province, which was drawn up by a committee of the House of Representatives, and afterwards approved by the House, they use the following expressions: ‘ The silence of the province should have been imputed to any cause, even to despair, rather than be construed into a tacit cession of their rights, or an acknowledgement of a right in the Parliament of Great Britain, to impose duties and taxes upon a people who are not represented in the House of Commons.’ And, in the same letter, they avowed and authenticated the doctrines advanced in a certain pamphlet, intituled, *The Rights of the British Colonies asserted and proved*, written by James Otis, Esq; which pamphlet, amongst other things, says, ‘ That the imposition of taxes, whether on trade, or on land, on houses or ships, on real or personal, fixed or floating, property, in the colonies, is absolutely irreconcilable with the rights of the colo-

nists, as British subjects, and as men.’

The committee find, that on the twenty-eighth day of February 1765, a Bill was brought from the Commons, intituled, ‘ An act for granting and applying stamp duties, and other duties, in the British colonies and plantations in America, towards further defraying the expences of defending, protecting, and securing the same; and for amending such parts of the several acts of Parliament relating to the trade and revenues of the said colonies and plantations, as direct the manner of determining and recovering the penalties and forfeitures therein mentioned.’

That the said Bill received the royal assent on the 22d of the same month.

That, on the 17th day of December, his Majesty declared, in his most gracious speech from the throne, that the matters of importance which had lately occurred in some of his colonies in America were the principal cause of his Majesty’s assembling his Parliament sooner than was usual in times of peace.

It appears to the committee, from the votes of the House of Representatives of the colony of Massachusetts-Bay, of the 6th of June 1765, that they came to a resolution, that it was highly expedient there should be a meeting as soon as might be of committees from the Houses of Representatives, or Burgesses, in the several colonies on the American continent, to consult on their then present circumstances, and the difficulties to which they were reduced by the operation of the late acts of Parliament, for levying duties on the colonies; and to consider of a general address to his Majesty and the Parliament, to implore relief: and that letters should be forthwith prepared
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and transmitted to the respective Speakers of the several assemblies, to invite them to accede to this proposition; and further, that, on the 8th of June, they did actually elect three persons to be their committees, and also voted 450*l.* to bear their expenses.

Your committee find, in a letter from the Governor to the Lords Commissioners for Trade and Plantations, dated August 15th, 1765, an account of a violent riot at Boston, in resistance to a law passed by the legislature of Great Britain, in which an attack was made upon Mr. Oliver, distributor of stamps, and carried to the length of pulling down and destroying his houses, manifesting a resolution, if they could have found him, of putting him to death. Upon which occasion the backwardness and indisposition of the council, to support the peace and good order of government, were very apparent. Also, in another letter from the Governor, dated August 31st, 1765, to the said Board of Trade, they find that the mob attacked the house of Mr. Storey, Register of the Admiralty, which they demolished; they also took all his books and papers, amongst which were the records of the Court of Admiralty, and burnt them, and searched about for him, with an intent to murder him; they also pillaged the house of Mr. Hollowell, comptroller of the customs, but their most violent proceeding was against the Lieutenant Governor, whose house, plate, books, and manuscripts, to a very great value, they totally destroyed. And, in this great extremity, the council being, as the governor observes, dependent upon the people, refused even to concur with him in his proposition of giving notice to General Gage of the then situation of the town of Boston.

It is remarkable that this commo-

tion entirely arose out of the town of Boston; for though it was given out, that many people out of the country were concerned in this affair, upon enquiry, it was found that such persons living out of Boston, as were seen in the crowd, were there merely as spectators.

In Governor Bernard's letter to the Board of Trade, October the twelfth, 1765, he says 'That the real authority of the government is at an end; some of the principal ringleaders, in the late riots, walk the streets with impunity; no officers dare attack them, no Attorney General prosecute them, no witness appear against them, and no judges sit upon them.'

And during this general disorder, the Governor thought it necessary for some companies of the militia to be mustered, with the unanimous advice of the council, but that the militia refused to obey his orders.

And we find, that so little attention, was paid to an act of the British legislature, by the Council and House of Representatives, that they resolved in a joint committee, on the twenty-fifth of October 1765, that it should and might be lawful to do business without stamps, notwithstanding the act of Parliament to the contrary.

On the fourteenth day of January, 1766, upon the meeting of the Parliament, after the recess of Christmas, his Majesty was pleased to declare himself in a most gracious speech from the throne, in the following terms:

My Lords and Gentlemen,

'When I met you last, I acquainted you, that matters of importance had happened in America, which would demand the most serious attention of Parliament,

'That no information which could serve to direct your deliberations in so interesting a concern might be wanting,

‘wanting, I have ordered all the papers that give any light into the origin, the progress, or the tendency, of the disturbances, which have of late prevailed in some of the northern colonies, to be immediately laid before you,

‘No time has been lost, on the first advice of these disturbances, to issue orders to the governors of my provinces, and to the commanders of my forces, in America, for the exertion of all the powers of government, in the suppression of riots and tumults, and in the effectual support of lawful authority.

‘Whatever remains to be done on this occasion, I commit to your wisdom; not doubting but your zeal for the honour of my crown, your attention to the just rights and authority of the British legislature, and your affection and concern for the welfare and prosperity of all my people, will guide you to such sound and prudent resolutions, as may tend at once to preserve those constitutional rights over the colonies, and to restore to them that harmony and tranquillity which have lately been interrupted by riots and disorders of the most dangerous nature.’

In the dutiful address which was voted the same day, the House assure his Majesty of their hearty concurrence with his Majesty’s most salutary intentions; that they would exert their utmost endeavours to assert and support his Majesty’s dignity and honour, and the legislative authority of this kingdom, over its colonies; and that they would take into their consideration the most proper methods to provide for the restoration of the tranquillity of those colonies, which had been disturbed by such violent and dangerous commotions.

Upon the same day, all the papers relating to the informations and advices received from America, of the

riots and tumults there, were laid before the House.

More papers relating to America were laid before the House, which, together with the other papers, were referred to a committee of the whole House, for Tuesday the 28th.

More papers were laid before the House the 27th of January, and referred to the said committee.

The committee met, and, after several adjournments, on the 10th of February following, the Chairman reported several resolutions, which were agreed to by the House, as follows:

I. Resolved, That the King’s Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons of Great-Britain, in Parliament assembled, hath, and of right ought to have, full power and authority to make laws and statutes, of sufficient force and validity to bind the colonies and people of America, subjects of the crown of Great-Britain, in all cases whatsoever.

II. Resolved, That it appears to this committee, that tumults and insurrections, of the most dangerous nature, have been raised and carried on in several of the North American colonies, in open defiance of the power and dignity of his Majesty’s government, and in manifest violation of the laws and legislative authority of this kingdom.

III. Resolved, That it appears to this committee, that the said tumults and insurrections have been encouraged and enflamed, by sundry votes and resolutions, passed in several of the assemblies of the said provinces, derogatory to the honour of his Majesty’s government, and destructive of the legal and constitutional dependency of the said colonies on the imperial crown and parliament of Great Britain.

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IV. Resolved, That it is the opinion of this committee, that an humble address be presented to his Majesty, to desire that his Majesty would be graciously pleased to give instructions to the governors of the several provinces, where the above-mentioned tumults and insurrections have happened, That they should, in his Majesty's name require of the assemblies of the said provinces, to make proper recompence to those who have suffered in their persons or properties, in consequence of the aforesaid tumults and insurrections; and to assure his Majesty, That this House will, upon this, and all occasions, support the lawful authority of his crown, and the rights of Parliament.

V. Resolved, That it is the opinion of this committee, That all his Majesty's subjects residing in the said colonies, who have manifested their desire to comply with, or to assist in, carrying into execution the act for laying a duty on Stamps, or any other act of parliament in the British colonies, in North America, have acted as dutiful and loyal subjects, and are therefore intitled to, and will assuredly have, the favour and protection of this House.

Ordered, That an humble address be presented to his Majesty, pursuant to the fourth resolution.

On the 5th of March, a bill was brought from the Commons, intituled, 'An act for the better securing the dependency of his Majesty's dominions in America upon the crown and parliament of Great-Britain.'

Which bill received the royal assent on the 18th of the same month.

And also a bill, intituled, 'An act to repeal an act, made in the last session of parliament, intituled, An act for granting and applying certain stamp duties and other duties in the British colonies and plantations in America, towards further

defraying the expences, of defending, protesting, and securing the same; and for amending such parts of the several acts of parliament, relating to the trade and revenues of the said colonies and plantations, as direct the manner of determining and recovering the penalties and forfeitures therein mentioned.'

Which bill received the royal assent on the 18th of March.

Whilst the bill for repealing the Stamp Act was under deliberation, petitions from the merchants of the city of Bristol, from the merchants of Glasgow, from Edward Montague, agent for the colony of Virginia, and from the merchants of the city of London, in favour of the said repeal, were received and read.

On the 2d of June, a bill was brought from the Commons, intituled, 'An act for indemnifying persons who have incurred certain penalties inflicted by an act of the last session of parliament, for granting certain stamp duties in the British colonies and plantations in America; and for making valid all instruments executed or inrolled there on unstamped paper, vellum, or parchment.'

Which bill received the royal assent the 6th of the same month.

It appears by a letter from Governor Bernard to the Earl of Shelburne, dated December the 24th, 1766, that the Governor, by advice of the council, ordered the mutiny act and three other acts, to be printed by the printer of the laws. In the interval of the adjournment of assembly, two companies of artillery being driven on shore by distress of weather, and the said act of parliament having been consulted, the council advised the governor to order the commissary to supply them with what they demanded under the act; which was done. Upon the meeting of the assembly, a message was sent to the council, and carried

carried by five members, to enquire, 'By what authority acts of parliament were registered amongst the laws of that province; and whether they knew of any act (meaning of assembly) requiring the registering of ordinances, (their term for acts of parliament,) which their legislature never consented to.'

The committee find, That, on the 12th of March, 1767, the Lord Wycombe, by his Majesty's command, laid before the House copies of letters, &c. from his Majesty's governors in America, which were ordered to lie on the table.

That, on the third of April, more copies of letters from his Majesty's governors in America were laid before the House, and ordered to lie on the table.

That, on the 14th of May, it was ordered, that an humble address should be presented to his Majesty, That he would be graciously pleased to give directions that there might be laid before this House copies of all reports made to or by the commissioners of trade and plantations, together with all orders and proceedings made, or had, by the secretaries of state, or his Majesty's privy council, relating to the bill passed by the governor, council, and assembly of the Massachusetts-Bay, for granting compensation to the sufferers, and of free and general pardon, indemnity, and oblivion, to the offenders, in the late times, from the time of the receipt of the said bill.

That, on the 18th day of May, pursuant to the said address, the Lord Wycombe laid before the House a copy of the report of the committee of council, &c. which papers were ordered to lie on the table.

That, on the same day, it was ordered, that an humble address should be presented to his Majesty, That he would be graciously pleased to give

directions that there might be laid before this House copies of such precedents as had been, or might be found, of orders in council, declaring acts of assembly in America to be null, illegal, or void; together with reports of the several attorneys and solicitors general, or either of them, in similar cases, read at the council board the 9th instant.

That, on the 22d of May, the Lord Wycombe, by his Majesty's command, laid before the House, copies of such precedents as had been found of orders in council, declaring acts of assemblies in America to be null, illegal, and void; together with reports of the several attorneys and solicitors general, or either of them, in similar cases.

Which papers were ordered to lie on the table; and, from a perusal of them, we find, that several acts of different colonies have been, from time to time, declared, by his Majesty in council, to be null, illegal, and void.

That, on the 15th of June, a bill was brought up from the Commons, intituled, 'An act to enable his Majesty to put the customs and other duties, in the British dominions in America, and the execution of the laws relating to trade there, under the management of commissioners to be appointed for that purpose, and to be resident in the said dominions.'

Which bill received the royal assent on the 29th of the same month.

That, on the 18th of June, a bill was brought up from the commons, intituled, 'An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation, from this kingdom, of coffee and cocoa nuts, of the produce of the said colonies, or plantations; for discontinuing the drawbacks payable on china earthen ware exported

exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations."

Which bill received the royal assent on the 29th of June.

The committee find, That, on the meeting of the assembly of the province of Massachusetts-Bay, on the 28th of January 1767, a message was sent to the governor, from the House of Representatives, desiring to be informed, whether any provision had been made, at the expence of that government, for the King's troops, lately arrived in the harbour of Boston; and that, after having had the minutes of council (by which it expressly appeared that the provision for the artillery companies at the castle was made in pursuance of the then late act of parliament) laid before them, they replied, that "In giving orders, with the advice of the council, for making provision for the artillery companies at the castle, the governor had acted in an essential point against the plain intention of the charter, by which alone, and that only, according to such acts as are or may be in force, within this province, the governor and council were authorized to issue money out of the treasury:" adding, "that it was still more grievous to them to find the governor stating, as the foundation of the proceeding, a late act of parliament, which to them appeared as great a grievance as the stamp act, which took away the unalienable right of freedom from all taxation, but such as they should voluntarily consent to, and grant."

Governor Bernard was obliged, in his rejoinder, 14th and 18th February 1767, carefully to avoid giving the act of parliament as the foundation of the provision made; he would otherwise not have had the concurrence of the council; for tho' the greater part, he believed, had a due

respect for acts of parliament, not one of them would have dared to avow it, in that instance, and at that time.

The committee find, That, on the second of March, 1768, a bill was brought up from the commons, intitled, "An act for the more easy and effectual recovery of the penalties and forfeitures inflicted by the acts of parliament relating to trade, or revenues, of the British colonies and plantations in America."

Which bill received the royal assent on the 8th of the same month.

It appears to the committee, that by a circular letter from the House of Representatives of the colony of Massachusetts-Bay, addressed to all the assemblies upon the continent of North America, "They desired the assent of those assemblies to their sentiments and proceedings, acquainting them that they had represented to his Majesty, that the acts of parliament of Great Britain, imposing duties upon that province, with the sole and express purpose of raising a revenue, are infringements of their natural constitutional rights, and desired them to point out any thing further that might be necessary to carry their system into execution."

In this year, the assembly, at the election of the council, left out all the crown officers, which measure had been before adopted in the years 1766, and 1767.

In the beginning of May, 1768, subscriptions were made, and associations entered into, for the non-importation of goods from Great Britain; but this last measure was, at that time, defeated by the merchants in the other colonies refusing to concur in it.

On the 9th day of May, 1768, regular seizure was made by the collector and comptroller of the customs of the sloop Liberty, belonging to

Mr.

Mr. Hancock of the town of Boston, which occasioned a most violent tumult; the collector and comptroller, with the son of the collector, were attached by a numerous and outrageous mob, who beat and abused them in a most cruel manner; and in the night attacked their houses, broke the windows, seized on a boat belonging to the collector, which they carried away in triumph, and afterwards burnt: the commissioners of the customs expecting the same treatment, the riot still continuing, thought it prudent to retreat for safety till midnight, with their families, to the houses of some persons in the neighbourhood, and afterwards, upon conviction that their lives were in danger, took refuge on board his Majesty's ship the *Romney*, then in the harbour of Boston; and, for their further security, from thence into *Castle William*. During the time of this their perilous situation, they applied several times by letter to the governor and council, for protection, but could procure no assistance whatsoever, and were finally told, in a letter from Governor Bernard, dated the 13th of June, That, after several hours deliberation of the necessity of taking some measures to preserve the peace of the town, and what those measures should be, the council had come to a resolution, That, as there appeared to be no immediate danger of further violences, they were of opinion, that it would be best to refer this matter to the consideration of a committee of both Houses, and that therefore the governor at present could not let them know what kind of aid and protection they might expect to receive. The consequence of which was, that they received no protection whatsoever. The disorder and confusion remained in this state unnoticed till the 22d of July, when the governor moved the council to take

into consideration some measures for restoring vigour and firmness to government, but, on the 29th of July, the council made a reply to what had been proposed to them by the governor, in which they state, "That the disorders, which happened, were occasioned by the violent and unprecedented manner, in which the sloop *Liberty* had been seized by the officers of the customs."

In consequence of this disorderly state at Boston, two regiments having been sent thither from *Halifax*, in order to support the execution of the civil power, and preserve the peace of the town, strict orders were given and repeated to the troops not to quarrel with the townsmen, by whom, they complained, they had been frequently ill-treated, and insulted.

On Monday the 5th of March 1768, at nine at night, the alarm bells were rung as in cases of fire, the fire said to be in *King-street*, and the people thereby led thither; where finding the alarm false, they joined a multitude, who had been braving two companies at the gates of their barrack, and threatened with death the centinel, who was posted at the Custom-house, where the King's treasure was lodged; the centinel, being surrounded, was forced to retreat, and call for aid, which brought Captain *Preston*, captain of the day, with a party, from the main guard, to extricate him: that officer used his utmost endeavours to prevent mischief, notwithstanding which, the rioters by blows, and every act of aggravation, drew upon themselves the fire of several of the soldiers, by which some persons were unfortunately killed; and, upon the governor's offering to obtain the commanding officer's consent to remove one of the regiments to the castle, and to station the other, so as no opportunity of disputes with the townsmen should remain; the council insisted, that both regiments

regiments should go, giving for a reason, that the people would most certainly drive out the troops, and that the inhabitants of other towns would join with Boston in it; and several of them declared, that they did not judge from the general temper of the people only, but they knew it to be the determination, not of a mob, but of the generality of the principal inhabitants; in consequence of which, both regiments were accordingly removed.

In the petition presented to the governor by several people of consideration, in pursuance of the resolution of a town meeting held at that time, they disavow the legislative authority of this country, and assert that it would be better for them to struggle against it, than tamely to relinquish their rights.

And the assembly absolutely refused, by a great majority, to rescind their former order of sending circular letters to the other colonies, though they had received a positive requisition from the crown to that purpose.

An association was entered into the beginning of August, when most of the merchants of Boston entered into, and subscribed an agreement, that they would not send for, or import, any kind of goods or merchandise, from Great Britain, some few articles of necessity excepted, from the first of January 1769, to the first of January 1770; and that they would not import any tea, paper, glass, or painters colours, until the act imposing duties on those articles should be repealed.

It was also voted, in a town meeting of the freeholders and other inhabitants of Boston, September 12, that the levying money within that province, for the use and service of the crown, in other manner than the same is granted by the great and ge-

neral court of assembly of the province, was in violation of the said royal charter, and the same was also in violation of the undoubted natural rights of subjects, declared in the aforesaid act of Parliament, (meaning the act of succession) freely to give and grant their own money for the service of the crown, with their own consent, in person, or by representatives of their own free election.

They also voted, that as the Governor did not think proper to call a general court, for the redress of their (supposed) grievances, the town should then make choice of a suitable number of persons to act for them, as a committee in convention, with such as might be sent to join them from the several towns in that province, in order that such measures might be consulted and advised, as his Majesty's service, and the peace and safety of his subjects in the province, might require.

They also voted, that there was, at that time, a prevailing apprehension in the minds of many of an approaching war with France, in order that the inhabitants of that town might be prepared in case of sudden danger, that those of the said inhabitants who might, at that time, be unprovided, should be, and thereby were, requested duly to observe at that time the law of the province, whereby it is required, that every listed soldier, and other householder, (except troopers, who by law are otherwise to be provided) shall be always provided with a well-fixed firelock, musket, accoutrement, and ammunition, as in the said law is particularly mentioned, to the satisfaction of the commission officers of the company.

They also voted, that a letter should be written to the several towns in the province, as follows.

Gentlemen,

Gentlemen,

' You are already too well acquainted with the melancholy, and very alarming, circumstances, to which this province, as well as America in general, is now reduced; taxes, equally detrimental to the commercial interest of the parent country and her colonies, are imposed on the people without their consent; taxes, designed for the support of the civil government in the colonies, in a manner clearly unconstitutional, and contrary to that, in which, 'till of late, government has been supported by the free gift of the people in the American Assemblies or Parliaments, as also for the maintenance of a large standing army, not for the defence of the newly acquired territories, but for the old colonies, and in time of peace. The decent, humble, and truly loyal applications and petitions from the representatives of this province, for the redress of these heavy and very threatening grievances, have hitherto been ineffectual; being assured, from authentic intelligence, that they have not yet reached the royal ear; the only effect of transmitting applications, hitherto perceivable, has been a mandate, from one of his Majesty's Secretaries of State to the governor of this province, to dissolve the general assembly, merely because the late House of Representatives refused to rescind a resolution of a former House, which implied nothing more than a right in the American subjects to unite in humble and dutiful petitions to their gracious Sovereign, when they found themselves aggrieved: this is a right naturally inherent in every man, and expressly recognized at the glorious revolution as the birth-right of an Englishman.

' This dissolution, you are sensible, has taken place; the governor has

' publicly and repeatedly declared that he cannot call another assembly; and the Secretary of State for the American department, in one of his letters communicated to the House, has been pleased to say, that proper care will be taken for the support of the dignity of government;" the meaning of which is too plain to be misunderstood.

' The concern and perplexity into which these things have thrown the people have been greatly aggravated by a late declaration of his Excellency Governor Bernard, that one or more regiments may be expected in this province.

' The design of these troops is, in every one's apprehension, nothing short of enforcing, by military power, the execution of acts of Parliament, in the forming of which the colonies have not, and can not have, any constitutional influence. This is one of the greatest distresses to which a free people can be reduced.

' The town, which we have the honour to serve, have taken these things, at their late meeting, into their most serious consideration; and, as there is in the minds of many a prevailing apprehension of an approaching war with France, they have passed the several votes which we transmit to you, desiring that they may be immediately laid before the town, whose prudentials are in your care, at a legal meeting, for their candid and particular attention.

' Deprived of the councils of a general assembly in this dark and difficult season, the loyal people of this province will, we are persuaded, immediately perceive the propriety and utility of the proposed committee of convention, and the sound and wholesome advice that may be expected from a number of gentlemen,

men, chosen by themselves, and in whom they may repose the greatest confidence, must tend to the real service of our most gracious Sovereign, and the welfare of his subjects in this province, and may happily prevent any sudden and unconnected measures, which, in their present anxiety, and even agony of mind, they may be in danger of falling into.

And it is of importance that the convention should meet as soon as may be; so early a day as the twenty-second of this instant September, has been proposed for that purpose;—and it is hoped the remotest towns will, by that time, or as soon after as conveniently may be, return their respective committees.

Not doubting but you are equally concerned with us and our fellow citizens, for the preservation of our invaluable rights, and for the general happiness of our country, and that you are disposed, with equal ardour, to exert yourselves, in every constitutional way, for so glorious a purpose.

The committee observe, that it does not appear to them that any steps were taken to suppress these measures, or that they were noticed of, by the council, or any of the civil magistrates.

The committee think it necessary here to insert the following extracts.

The first extract is from his Majesty's most gracious Speech from the throne, on the eighth day of November, 1768.

“At the close of the last Parliament, I expressed my satisfaction at the appearances which then induced me to believe, that such of my subjects as had been misled in some parts of my dominions, were returning to a just sense of their duty; but it is with equal concern, that I have since seen

that spirit of faction, which I had hoped was well-nigh extinguished, breaking out afresh in some of my colonies in North America, and in one of them proceeding even to acts of violence, and of resistance to the execution of the law; the capital town of which colony appears, by late advices, to be in a state of disobedience to all law and government, and has proceeded to measures subversive of the constitution, and attended with circumstances that manifest a disposition to throw off their dependence on Great Britain. On my part, I have pursued every measure that appeared to be necessary for supporting the constitution, and inducing a due obedience to the authority of the legislature; you may rely upon my steady perseverance in these purposes, and I doubt not but that, with your concurrence and support, I shall be able to defeat the mischievous designs of those turbulent and seditious persons, who, under false pretences, have but too successfully deluded numbers of my subjects in America, and whose practices, if suffered to prevail, cannot fail to produce the most fatal consequences to my colonies immediately, and, in the end, to all the dominions of my crown.”

The second extract is from your Lordship's dutiful address to his Majesty, on his said most gracious Speech.

“We feel the most sincere concern, that any of our fellow subjects in North America should be misled by factious and designing men, into acts of violence, and of resistance to the execution of the law; attended with circumstances that manifest a disposition to throw off their dependence upon Great Britain. At the same time, that we shall be always ready to contribute to the relief of any real grievance of your Majesty's American subjects, we most unfeignedly gave your Majesty the strongest assurances,

assurances, that we shall ever zealously concur in support of such just and necessary measures, as may best enable your Majesty to repress that daring spirit of disobedience, and to enforce a due submission to the laws; always considering, that it is one of our most essential duties to maintain inviolate the supreme authority of the legislature of Great Britain over every part of the dominions of your Majesty's crown."

The third extract is from his Majesty's most gracious answer to your Lordship's address.

"Your zealous concurrence in every measure, that can bring relief to my people, is well known to me; nor do I doubt of the attention that you will always give to any real grievances of my American subjects. The strong assurances I receive from you, at the same time of your determination to vindicate the just legislative authority of Parliament, over all the dominions of my crown, deserve my warmest approbation."

The committee find, that, on the fifteenth of November, the Lord Harwich acquainted the House, that he had received his Majesty's commands to lay before the House papers relating to the late disturbances in America; and that the same would be laid before the House in a few days.

That accordingly, on the twenty-eighth of November, the Lord Harwich laid before the House, copies of all letters, &c. relating to the late proceedings of the colony of the Massachusetts-Bay, together with a list thereof, which was read by the clerk.

That on the fifteenth of December, the House came to the following resolutions:

I. Resolved, by the Lords Spiritual and Temporal, in Parliament assembled, that the votes, resolutions, and proceedings, of the House of Repre-

sentatives of Massachusetts-Bay, in the month of January and February last, respecting several late acts of Parliament, so far as the said votes, resolutions, and proceedings, do import a denial of, or to draw into question, the power and authority of his Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, to make laws and statutes of sufficient force and validity, to bind the colonies and people of America, subjects to the Crown of Great Britain, in all cases whatsoever, are illegal, unconstitutional, and derogatory of the rights of the Crown and Parliament of Great Britain.

II. Resolved, by the Lords Spiritual and Temporal, in Parliament assembled, that the resolution of the said House of Representatives of the province of Massachusetts-Bay, in January last, to write letters to the several Houses of Representatives of the British colonies in the continent, desiring them to join with the said House of Representatives of the province of Massachusetts-Bay, in petitions, which do deny or draw into question the right of Parliament to impose duties and taxes upon his Majesty's subjects in America; and, in pursuance of the said resolution, the writing such letters, in which certain late acts of Parliament, imposing duties and taxes, are stated to be infringements of the rights of his Majesty's subjects of the said province, are proceedings of a most unwarrantable and dangerous nature, calculated to inflame the minds of his Majesty's subjects in the other colonies, tending to create unlawful combinations repugnant to the laws of Great Britain, and subversive of the constitution.

III. Resolved, by the Lords Spiritual and Temporal, in Parliament assembled,

sembled, that it appears, that the town of Boston, in the province of Massachusetts-Bay, has, for some time past, been in a state of great disorder and confusion; and that the peace of the said town has, at several times, been disturbed by riots and tumults of a dangerous nature; in which the officers of his Majesty's revenue there have been obstructed by acts of violence, in the execution of the laws, and their lives endangered.

IV. Resolved, by the Lords Spiritual and Temporal, in Parliament assembled, that it appears, that neither the council of the said province of Massachusetts-Bay, nor the ordinary civil Magistrates, did exert their authority for suppressing the said riots and tumults.

V. Resolved, by the Lords Spiritual and Temporal, in Parliament assembled, that, in these circumstances of the province of the Massachusetts-Bay, and of the town of Boston, the preservation of the public peace, and the due execution of the laws, became impracticable, without the aid of a military force to support and protect the civil Magistrates, and the officers of his Majesty's revenue.

VI. Resolved, by the Lords Spiritual and Temporal, in Parliament assembled, that the declarations, resolutions, and proceedings, in the town meeting at Boston, on the fourteenth of June, and twelfth of September, were illegal and unconstitutional, and calculated to excite sedition and insurrections in his Majesty's province of Massachusetts-Bay.

VII. Resolved, by the Lords Spiritual and Temporal, in Parliament assembled, that the appointment at the town meeting, on the twelfth of September, of a convention to be held in the town of Boston, on the twenty-second of that month, to consist of deputies from the several towns and districts in the province of the Massachusetts Bay, and the issuing a pre-

cept, by the selectmen of the town of Boston, to each of the said towns and districts, for the election of such deputies, were proceedings subversive of his Majesty's government, and evidently manifesting a design, in the inhabitants of the said town of Boston, to set up a new and unconstitutional authority, independent of the crown of Great Britain.

VIII. Resolved, by the Lords Spiritual and Temporal, in Parliament assembled, that the elections, by several towns and districts in the province of Massachusetts-Bay, of deputies to sit in the same convention, and the meeting of such convention in consequence thereof, were daring insults offered to his Majesty's authority, and audacious usurpations of the powers of government.

It was then ordered, that an humble address be presented to his Majesty, to return his Majesty thanks for the communication which he has been graciously pleased to make to his Parliament, of several papers relative to public transactions in his Majesty's province of Massachusetts-Bay.

To express our sincere satisfaction in the measures which his Majesty has pursued for supporting the constitution, and inducing a due obedience to the authority of the legislature.

To give his Majesty the strongest assurances, that we will effectually stand by and support his Majesty in such further measures, as may be found necessary to maintain the civil Magistrates, in a due execution of the laws, within his Majesty's province of Massachusetts-Bay.

And as we conceive, that nothing can be more immediately necessary, either for the maintenance of his Majesty's authority in the said province, or for the guarding his Majesty's subjects therein from being further deluded by the arts of wicked and

and designing men, than to proceed, in the most speedy and effectual manner, for bringing to condign punishment the chief authors and instigators of the late disorders, to beseech his Majesty, that he will be graciously pleased to direct his Majesty's governor of Massachusetts-Bay, to take the most effectual methods for procuring the fullest information that can be obtained touching all treasons, or misprison of treason, committed within his government since the thirtieth of December last, and to transmit the same, together with the names of the persons who were most active in the commission of such offences, to one of his Majesty's principal Secretaries of State, in order that his Majesty may issue a special commission for enquiring of, hearing and determining the said offences, within this realm, pursuant to the provisions of the statute of the thirty-fifth year of the reign of King Henry the Eighth, if his Majesty shall, upon receiving the said information, see sufficient ground for such a proceeding.

And a message was sent to the House of Commons, to carry down the said resolutions and address, and desire their concurrence thereto.

On the twentieth of January, 1769, the Lord Harwich, (by his Majesty's command) laid before the House more copies of letters relating to America, which were ordered to lie on the table.

On the 9th of February, the resolutions and address, sent to the Commons on the 15th of December last, for their concurrence, were returned, agreed to, with some amendments, which were read and agreed to, and notice thereof sent to the Commons; and the said address was ordered to be presented to his Majesty by both Houses.

On the 14th of February, the Lord

Chancellor reported his Majesty's answer to the said address, as follows:

My Lords, and Gentlemen,

"The sincere satisfaction you express in the measures which I have already taken, and the strong assurances you give of supporting me in those which may be necessary to maintain the just legislative authority, and the due execution of the laws in my province of Massachusetts-Bay, give me great pleasure.

"I shall not fail to give those orders which you recommend, as the most effectual method of bringing the authors of the late unhappy disorders in that province to condign punishment."

Which address and answer were ordered to be printed.

It doth not appear to the committee, that the censure of the proceedings in the province of Massachusetts-Bay, and of the conduct of the council and other civil magistrates, expressed by both Houses of Parliament in their resolutions, and their approbation of the measure of sending troops thither, to support and protect the magistrates, and the officers of the revenue, produced the good effect that might reasonably have been hoped for; a disposition to deny the authority, and resist the laws, of the supreme legislature, continued still to prevail, not only in flagitious publications in the daily news-papers, but also in a variety of violent and unwarrantable resolutions and proceedings of those merchants and others, who had subscribed to the agreements for non-importation of goods from Great-Britain.

Meetings of the associators were represented to have been held in as regular a manner as any other meeting authorised by the constitution. Committees were appointed to examine the cargoes of all vessels arriving from Great-

Great-Britain, and regular votes and resolutions of censure were passed in those meetings, upon all such as refused to concur in those unlawful associations; their names were published in the public news papers, as enemies to their country; and the mandates and decrees of those committees met with a respect and obedience denied to the constitutional authority of government.

In some cases goods imported from Great-Britain, were locked up in warehouses, under the care of these committees, in order to prevent their being sold; and, in one or two instances, they were re-shipped to Great Britain.

On the 31st of May, 1769, the general court met at the court-house at Boston, pursuant to his Majesty's writs, and the first step the assembly took, before they proceeded on any other business, was to send a message to the governor, asserting, that the having ships in the harbour, and troops in the town of Boston, was inconsistent with their dignity and freedom; and therefore, that they had a right to expect, that he would give orders for the removal of the forces by sea and land from that port, and from the gates of the city, during the session of the assembly; and, at the same time, the House came to several resolutions to the same effect, as the declarations contained in their message to the governor.

The governor having, in reply to their message, acquainted them, that he had no authority over his Majesty's ships in that port, or his troops in that town, nor could give any orders for the removal of them, they then proceeded to the election of counsellors, in which election, not only the lieutenant-governor, and other officers of government were excluded, but also several other gentlemen, who

had been of the former council, and who (the governor represents) shewed a disposition to support the King's government, to acknowledge the authority of parliament, and to preserve the people from a democratical despotism, and were otherwise distinguished by their integrity and ability.

On the 13th of June, the assembly sent an answer to the governor's message of the 31st of May, in which he had told them he had no authority over the King's ships, or troops.

In this answer they assert, that, "By the principles of the constitution, the governor of that colony has the absolute military command; that the sending a military force there, to enforce the execution of the laws, is inconsistent with the nature of government, and the spirit of a free constitution; that the unwillingness of a people in general that a law should be executed, was strong presumption of its being an unjust law; that it could not be *their* law, as the people must consent to laws before they can be obliged, in conscience, to obey them."

It appears, by a vote of the assembly, on the 8th of July, that they have declared, that all trials for treason, misprision of treason, or for any felony, or crime whatever, committed or done in that colony, ought, of right, to be had and conducted within the courts of the colony; and that the seizing any person or persons, residing in that colony, suspected of any crime whatsoever committed therein, and sending such person or persons to places beyond the sea to be tried, is highly derogatory of the rights of British subjects, as thereby the inestimable privilege of being tried by a jury from vicinage, as well as the liberty of summoning and producing witnesses on such trial, will be taken away from the party accused.

On the 6th of April 1770, a bill was brought up from the House of Com-

Commons to your Lordships, intituled, "An act to repeal so much of an act, made in the seventh year of his present Majesty's reign, intituled, "An act for granting certain duties in the British colonies and plantations in America, for allowing a drawback of the duties of customs, upon the exportation from this kingdom, of coffee and cocoa nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on china earthen ware, exported to America, and for more effectually preventing the clandestine running of goods in the said colonies and plantations;" as relates to the duties upon glass, red lead, white lead, painters colours, paper, pasteboards, millboards, and scaleboards, of the produce or manufacture of Great Britain, imported into any of his Majesty's colonies in America; and also to the discontinuing the drawbacks payable on china earthen ware exported to America, and for regulating the exportation thereof."

Which bill received the royal assent on the 12th of April.

On the 30th of April it was ordered, That an humble address should be presented to his Majesty, that he would be graciously pleased to give directions, that there be laid before this House copies of all narratives of any disputes or disturbances which have happened between his Majesty's troops, stationed in North America, and the inhabitants of any of his Majesty's colonies there, since the 24th day of June last, received by the commissioners of his Majesty's treasury, any of his Majesty's secretaries of state, or any other public offices, together with copies of all orders and instructions sent to the governors, lieutenant-governors, deputy governors, presidents of the council of any of his Majesty's colonies in North America, or to the commander in chief of his Majesty's

forces, or any officer, civil or military, within the same, relative to such disputes or disturbances.

And that on the 4th of May, the Lord Harwich, by his Majesty's command, laid before the House several papers relative to the late disturbances in America, pursuant to an address to his Majesty for that purpose, on the 30th of April last, together with a list thereof, which were ordered to lie on the table.

The committee find, That on the 7th of May, the Lord Harwich laid before the House, by his Majesty's command, a narrative of the late transactions at Boston, and the case of Captain Thomas Preston, of the 29th regiment of foot, which had been transmitted to his Lordship from the War-office; and the same were ordered to lie on the table.

On the 14th of May, it was ordered, That an humble address should be presented to his Majesty, that he would be graciously pleased to give directions that there be laid before this House copies of the Earl of Hillsborough's letter of the 13th of May 1769, to the governors of the several colonies of North America, together with the speeches of the governors referring to the said letter, and the answers of the assemblies to the same, so far as they have been received.

And, on the 15th, the Lord Harwich laid before the House, by his Majesty's command, copies of the Earl of Hillsborough's letter of the 13th of May 1769, to the governors of the several colonies of North America, together with the speeches of the governors referring to the said letter; and the answers of the assemblies to the same, so far as they have been received, together with a list thereof, which were ordered to lie on the table; and the same, with the other America papers presented in this session, were also ordered to be taken into

into consideration on Friday next, and the Lords summoned.

The committee find, by lieutenant governor Hutchinson's letter, of the 27th of March 1770, that when the troops were in the town, the commissioners of the customs were sensible they could have no dependence upon them; for if any riot had happened, no civil magistrate, that he knew, would have employed them in suppressing it; those who from a principle would have been disposed to it, refusing, and giving this reason, that they must immediately after have left the country; and that just the same principles prevailed with respect to the troops which were said to be unconstitutional, although established by an act of parliament, it being alledged that it was an act which did not bind colonists.

Lieutenant-Governor Hutchinson, in his letter to the Earl of Hillsborough, April the twenty-seventh, 1770, complains, "That he has never been able to obtain the advice or consent of the council, to any proposal made for the discountenancing the usurpation of the powers of government by the town of Boston; that he had used the negative powers given him by charter, in excluding Mr. Hancock from being Speaker *pro tempore*, and Mr. Cushing from the office of commissary general, to which offices they had been elected;" but adds, "That this was doing but little, as he could not remove any of those who were actually in office, some of whom were more inflammatory than any out of office." He further says, "That they were then attempting to compel all the importers of what they call the contraband goods, to send them back, and that he was not sure they would not succeed: that all goods which they have not enumerated, are called contraband. That tea from Holland may

lawfully be sold: that it is a high crime to sell any from England: that Mr. Hancock offered to send one or more of his ships back, and to lose the freight: that several of the importers pleaded, that they should be utterly ruined; but that the Boston zealots had no bowels; and gave for answer, that if a ship was to bring in the plague, nobody would doubt what was necessary to be done with her; but the present case is much worse than that. In the same letter, the Lieutenant-Governor observes, that the Boston principles obtain more and more in the remote parts of the province, and the representatives of seven-eighths of the town appear, in the present session, to be favourers of the nonimportation measures: that their internal distresses may, in a course of years, force them to desist; but that the distress at present, and it may be for some time to come, lies principally upon the friends to government, who run the risk of importing goods, and then are compelled by the ruling powers to keep them unfold, or to ship them back: that he made an attempt that day to prevail upon a merchant of the first estate and character, to induce him to promote an association, but to no purpose; and that he gave him for answer, that until Parliament made provision for the punishment of the confederacies, all would be ineffectual, and the associates would be exposed to popular rage." He observed further, "That the last year, when the King's Speech, and the addresses of the Lords, and of the House of Commons, first came to them, the heads of the opposition were struck with terror, and the seditious news-paper writers laid aside their pens for five or six weeks; but as soon as the apprehension of vigorous measures ceased, their fears were over, and they became

became more assuming and tyrannical than before; and although the terror was not so great the present year, yet it was visible; but now that they expect nothing will be done, they are recovering their spirits, knowing there is no power within the government to restrain them.

The resistance to the custom-house officers still continued to manifest itself upon every occasion; in consequence of which, on the eighteenth of May 1770, a tidesman of the customs, who had seized a small coasting vessel, belonging to Connecticut, and a few casks of sugar, for breach of the acts of trade, in the evening, was seized, stripped, and carted about the town, for three or four hours, besmeared with tar, and then covered with feathers, and followed by a great number of disorderly people.

The committee do not find, in your Lordships journals of the years 1771 and 1772, any material proceedings relative to the matters to them referred.

Though, in the year 1771, things remained tolerably quiet in the province of Massachusetts-Bay, yet the disposition to disavow the authority of Parliament occasionally broke out in the House of Assembly and town meetings; accordingly, in an answer from the House of Representatives, to a message from the Governor, on the fifth of July 1771, they say, that "They know of no commissioners of his Majesty's customs, nor of any revenue his Majesty has a right to establish in North America; that they know and feel a tribute levied and extorted from those who, if they have property, have a right to the absolute disposal of it."

At the same time the disposition to import goods, in defiance of the laws of revenue and trade, and to

support such iniquitous practices by insults and open violence upon the officers, whose duty it is to carry the said laws into execution, broke out upon many occasions; and, as usual, the magistrates declined giving their assistance and support, though applied to for that purpose, which appears in the case of Arthur Savage, comptroller of his Majesty's customs at Falmouth, who was forcibly taken out of his house in the night, by several persons disguised, and armed with pistols, and other dangerous weapons, who put him in the utmost danger of his life, and not only obliged him to divulge the name of the person who had lodged an information, but also to swear the truth of his information; declaring at the same time, that if he discovered who they were, they would take his life; and that, upon his application to the justices, who were then sitting, they declined the examination of the evidence he brought to prove the fact.

Things remained much in the same state in the year 1772; the continued ill temper of the people at Boston, was manifested by their instructions to their Representatives.

Upon the news of his Majesty's granting salaries to the justices of the superior court, the most inflammatory pieces were published in the newspapers, and the selectmen of Boston ordered a meeting to consider of measures upon that occasion, which meeting voted an address to the Governor, in which they say, "That the freeholders and other inhabitants of the town of Boston, legally assembled in Faneuil Hall, beg leave to acquaint his Excellency, that a report has prevailed, which they have reason to apprehend is well grounded; that stipends are affixed to the offices of the judges of the superior court of judicature, &c. of this province, whereby they are become independent

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dent of the grants of the general assembly for their support; contrary to the ancient and invariable usage."

"That this report has spread an alarm among all considerate persons who have heard of it, in town and country, being viewed as tending rapidly to compleat the system of their slavery, which originated in the House of Commons of Great Britain, assuming a power and authority to give and grant the monies of the colonists without their consent, and against their repeated remonstrances. And as the judges hold their places during pleasure, this establishment appears big with fatal evils, so obvious that it is needless to trespass on your Excellency's time, in mentioning them."

The town meeting afterwards appointed a committee of correspondence, to write circular letters to all the towns in the province, to induce them to unite in measures upon that occasion, which committee met the second of November, 1772, and made a report, containing several resolutions, contradictory to the supremacy of the British legislature: and, after setting forth, that all men have a right to remain in a state of nature as long as they please, they proceed to draw a report upon the natural rights of the colonists as men, christians and subjects, and from a list of infringements and violations of their rights; one of the first of which contains an assertion, that the British Parliament have assumed the powers of legislation for the colonies, in all cases whatsoever, without obtaining the consent of the inhabitants, which is ever essentially necessary to the rightful establishment of such a legislature.

They also consider it as an infringement of their rights, that a number of new officers, unknown to the

charter, have been appointed to superintend the revenues, whereas the great and general court, or assembly of that province, had the sole right of appointing all civil officers, the election and constitution of whom is, in the said charter, expressly excepted, among whom these officers are not included.

They likewise complain of it as a grievance, that his Majesty has been pleased to apply 1500*l.* sterling annually, out of the American revenue, for the support of the government of this province, independent of the assembly, and that the judges of the Superior court, as also the King's Attorney and Solicitor General, are to receive their support from what they call this grievous tribute, which they say will, if accomplished, compleat their slavery.

Six hundred copies of this report were circulated in the towns of the province, with a pathetic letter addressed to the inhabitants, who are called upon not to doze any longer, or sit supinely in indifference, whilst the iron hand of oppression is daily tearing the choicest fruits from the fair tree of liberty.

On the sixth of May, a message was brought from the House of Commons to your Lordships, with a Bill, intituled, "An act to allow a drawback of the duties of customs, on the exportation of tea, to any of his Majesty's colonies or plantations in America, to increase the deposit on bohea tea, to be sold at the East India Company's sales, and to empower the commissioners of the treasury, to grant licences to the East India Company to export tea, duty-free," which Bill received the Royal Assent on the tenth of May.

It appears to the committee, in the answer of the council to the Governor's Speech, at the opening of the session, that they declare they are of
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opinion, that the Parliament cannot constitutionally levy taxes, in any form, on his Majesty's subjects in that province.

And the House of Representatives, upon the same occasion, declare, that if there had been, in any late instances, a submission to acts of Parliament, it has been, in their opinion, rather from inconsideration, or a reluctance at the idea of contending with the parent state, than from a conviction or acknowledgement of the supreme legislative authority of Parliament.

The committee of correspondence appear to have used their utmost endeavours to work up the minds of the people, not only of their own, but also of the southern governments, to prevent the importation of teas from the East India Company; and accordingly, on the third of November, 1773, a mob, of about five hundred persons committed several outrageous acts of violence, against the persons to whom it was suspected the tea in question would be consigned, insisting that they should engage and promise not to receive or sell it; that if they did, they would be voted enemies to their country, and must expect to be treated as such hereafter. They then forced open the doors of the ware-houses of Mr. Clark, and tore them off the hinges, and entered with great violence, attempting to force their way up to the counting-house, but were driven back by the persons who were in it.

A committee then of the freeholders, and other inhabitants, attended Messieurs Thompson and Elisha Hutchinson, supposed to be two of the consignees, and requested them to resign their appointment; and upon their refusing, voted their answer unsatisfactory. Governor Hutchinson did every thing in his power, without the council, for the preservation of

the peace and good order of the town, and thought, that if he had had the aid the council might have given, his endeavours would have been more effectual.

On the 17th of November, 1773, a large number of people beset the house of Mr. Hutchinson, but not finding him at home, proceeded to Mr. Clarke's, another of the consignees, where they committed great disorders, broke the glasses and frames of the windows, and did considerable damage. After this riot, the Governor immediately summoned a council, and laid before them the necessity of some measures being taken, but the council declined advising or directing any measures for landing the tea, suggesting that they then would, of course, advise to a measure for procuring the payment of the duty, and therefore be advising to a measure inconsistent with the declared sentiment of both Houses, in the last winter session of the general court, which they apprehend to be altogether inexpedient and improper.

After the arrival of a ship loaded with tea, a meeting of the people of Boston, and the neighbouring towns, was held on the 20th of November, and continued, by adjournment, till next day, when a motion was made and agreed to, *nem. con.* that the tea should not only be sent back, but that no duty should be paid thereon.

It was also voted, *nem. con.* that Mr. Rotch, owner of the vessel, and Captain Hall, the master of the ship, at their peril, should not suffer any of the tea to be landed. It was also voted, That Governor Hutchinson's conduct, in requesting the justices of peace to meet to suppress all riots and unlawful assemblies, carried a designed reflection upon the people there met, and was solely calculated to serve the views of administration. They afterwards voted, that the tea brought

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by Captain Hall should be returned by Mr. Rotch to England, in the same bottom in which it came. It was also voted; *nem. con.* That six persons should be appointed to give due notice to the towns in the country; when they should be required so to do upon any important occasion.

They also resolved, That if any person or persons should, hereafter, import any tea from Great Britain, or if any master or masters of any vessels in Great Britain should take the same on board, to be imported to that place, until the said unrighteous act should be repealed, he or they should be deemed, by that body, an enemy to his country; and that they would prevent the landing and sale of the same, and the payment of any duty thereon; and that they would effect the return thereof to the place from whence it came.

They also resolved, That these their votes be printed and sent to England, and all the sea ports in the province. Before they separated, they voted, that their brethren in the country should be desired to give their assistance, upon the first notice that should be given.

After the dissolution of this assembly of the people, what is called the committee of correspondence called in committees of other towns, or other persons to join with them; kept up a military watch and guard every night, to prevent the landing any teas; and appeared to be the executioners of the resolves, and orders, passed at the aforesaid assembly.

The Consignees having retired to the castle, the owner of the first ship that arrived was the principal person applied to; and he was sent for repeatedly by these committees, and was frequently required to send back the ship with the teas. He pleaded, that he could not obtain a clearance at the custom house, nor a pass for

the castle; and that if he should be able to get the ship out of the harbour, both ship and cargo would be forfeited in every part of the King's dominions. This was not thought satisfactory, and the next morning, another assembly of the people met, and chose a moderator. At this meeting it was determined that Mr. Rotch, the owner of the ship, should demand, at the custom-house, a clearance of the teas for England, which was done the 15th, when the collector and comptroller refused to grant it.

He then was obliged to demand a permit from the naval office to pass the castle; afterwards he was sent to the governor to apply to him for the permit, who soon satisfied him that no permit could be granted, until the vessel was regularly cleared: He returned to town that evening, and reported this answer to the meeting. Immediately whereupon, numbers of the people cried out, *a mob! a mob!* left the house, repaired to the wharfs, where three of the vessels lay a-ground, having on board 340 chests of tea, and in two hours time it was totally destroyed; a sufficient number of people for doing the work were disguised, and these were surrounded by numbers, as well of the inhabitants of Boston as of other towns.

The committee observes that many persons of consideration in the town of Boston took the lead in the proceedings of this meeting, for whose names they beg leave to refer your Lordships to the papers themselves.

On the 4th of March 1774, the Earl of Dartmouth acquainted the House, that his Majesty had given directions, That the several papers received from America relating to the disturbances there, with regard to the importation of tea, should be laid before the House, and that the same would be delivered on Monday next.

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The Earl of Dartmouth acquainted the House, That he had a message from his Majesty, under his royal sign manual, which his Majesty had commanded him to deliver to this House; and the same was read by the Lord Chancellor, and is as follows, viz.

GEORGE R.

“His Majesty, upon information of the unwarrantable practices which had been lately concerted and carried on in North America, and particularly of the violent and outrageous proceedings at the town and port of Boston, in the province of Massachusetts-Bay, with a view to obstructing the commerce of this kingdom, and upon grounds and pretences immediately subversive of the constitution thereof, hath thought fit to lay the whole matter before his two Houses of Parliament, fully confiding as well in their zeal for the maintenance of his Majesty's authority, as in their attachment to the common interest and welfare of all his dominions, that they will not only enable his Majesty effectually to take such measures as may be most likely to put an immediate stop to the present disorders, but will also take into their most serious consideration what farther regulations and permanent provisions may be necessary to be established, for better securing the execution of the laws, and the just dependence of the colonies upon the crown and parliament of Great Britain.”

G. R.

The Earl of Dartmouth also (by his Majesty's command) laid before the House copies of all letters, &c. received from North America, relating to the disturbances there, with regard to the importation of tea, together with a list thereof.

It was ordered, That an humble address be presented to his Majesty, to return his Majesty the thanks of

this House, for his Majesty's gracious message, and for the communication his Majesty hath been graciously pleased to make to this House, of several papers relative to the present state of some of his Majesty's colonies in North America.

To assure his Majesty that this House, truly sensible that the peace and good government of the colonies, and the preventing any obstructions there to the commerce of this kingdom, are objects of their most serious attention, will enter upon the consideration of these papers with an earnest desire to make such provisions as, upon mature deliberation, shall appear necessary and expedient for securing the just dependence of the said colonies upon the crown and parliament of Great Britain, and for enforcing a due obedience to the laws of this kingdom throughout all his Majesty's dominions: and the said papers, and his Majesty's most gracious speech, were likewise ordered to be taken into consideration on Thursday sevensight; and the Lords summoned.

On the 11th of March, the Earl of Dartmouth (by his Majesty's command) laid before the House more papers from America, relating to the disturbances there, with regard to the importation of tea, together with a list thereof; and the same was read, and ordered to lie on the table, and to be taken into consideration on Thursday next.

On the 26th of March, a message was brought from the House of Commons, with a bill, entituled, “An act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading, or shipping, of goods, wares, and merchandise, at the town, and within the harbour of Boston, in the province of Massachusetts-Bay, in North America.

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On the 28th of March, a petition of Mr. Sayer and others, natives of America, was presented and read, praying, that the said bill may not pass into a law, which was ordered to lie on the table. Then the House took into consideration the several papers, and his Majesty's most gracious message; and the said bill was read a second time, and committed.

On the 30th of March, a petition of William Bolland, Esq; agent for the council of the province of Massachusetts-Bay, was presented to the House and read; he was called in, and heard at the Bar; and being withdrawn, the said bill was read a third time, and passed *vim. diff.* and received the Royal assent on the following day.

It appears to the committee, that, on the 25th of January, a great number of rioters in the town of Boston, committed a most inhuman act of violence upon the person of John Malcom, a preventive officer for the port of Falmouth in Casco-bay, who had lately seized a vessel in that port for want of a register: no complaint of irregularity was made against him; but it was thought proper, by the above rioters, to punish him by tarring and feathering him, (but without stripping him) and carrying him about in derision. This unfortunate man having afterwards been frequently hooted at in the streets was provoked, on the 25th, by a tradesman, who, he alledged, had several times before affronted him, to strike him with his cane, in consequence of which a warrant was issued against him; but the constable not being able to find him, a mob gathered about his house in the evening, and having broke his windows, he pushed thro' the broken windows with his sword, and gave a slight scratch to one of the assailants; soon after which the mob entered his

house, lowered him by a rope from an upper chamber into a cart, tore his cloaths off, tarred his head and body, feathered him, and dragged him through the main street into King street, from thence to Liberty Tree, and from thence, to the Neck, as far as the gallows, where they whipped him, beat him with sticks, and threatened to hang him. Having kept him under the gallows above an hour, they carried him back in the same manner to the extremity of the north end of the town, and returned him to his own house, and so benumbed by the cold, having been naked near four hours, and so bruised, that his life was despaired of. It appears that none but the lowest class of the people were suspected of having been concerned in it, and that Mr. Malcom having for some time before been threatened by the populace with revenge for his free and open declarations against the late proceedings, had occasionally, indiscreetly, given them provocation.

The House of Representatives of Massachusetts-Bay, on the first of February, required the Chief Justice Oliver, and the four judges of the Superior Court, to declare, whether they would receive the grants of assembly for their salaries, or accept their support from the crown, and were answered by the four judges (they being fearful of making themselves objects of popular resentment, one of their number having been previously brought over to that consent), that they would receive their salaries from the province; but by the Chief Justice, that he would continue to accept his support from the crown: on the 11th of February, they remonstrated to the Governor; that the said Chief Justice Peter Oliver, having received his salary and reward out of the revenue unjustly and unconstitutionally levied and extorted

torted from the American colonies, and being determined to continue to receive it contrary to the known sense of the body of people of the province, had thereby proved himself an enemy to its constitution, placed himself under an undue bias, and rendered himself disqualified to hold his office any longer. And not having procured his removal from the governor, in consequence of their remonstrance, they passed a vote to adjourn the superior court, which by law, is to be held on the 15th of February, to the 22d of that month, to which the governor refused his assent; and complains, that he now considers himself as acting altogether on the defensive, availing his consent where he cannot justify it, destitute of any aid from any part of the legislature, or executive powers of government, in maintaining order when the breach of it is caused, or pretended to be caused, by such acts of parliament, or such exercise of his Majesty's authority, as the people are taught by their leaders to call grievances.

A true state of the proceedings in the Parliament of Great-Britain, and in the province of the Massachusetts-Bay, relative to the giving and granting the money of the people of that province, and of all America, in the House of Commons, in which they are not represented. Drawn up by Dr. BENJAMIN FRANKLIN.

On the 12th of November 1761, Governor Bernard made the following speech to both Houses of Assembly, in the province of Massachusetts-Bay:

"At the opening of this general court I had the pleasure to observe upon the happy and propitious circumstances that had attended the commencement of the present reign, and particularly the extinction of parties, and the general coalition of all parties in support of his Majesty's govern-

ment; and I could not but express my earnest desire that the same patriotic spirit which influenced Great Britain, might prevail throughout his Majesty's American provinces, and especially in this most ancient and most loyal of them.

"I was well persuaded, that while I was speaking to you on this subject, your sentiments and mine were the same. I have been fully confirmed in this, as well by your own declarations, as by your conduct consequent thereto; and I have now all the assurance that I shall be assisted and supported by you.

F. BERNARD."

On the 24th of April 1762, his Excellency made the following speech to the two Houses:

"The unanimity and dispatch with which you have complied with the requisitions of his Majesty require my particular acknowledgment, and it gives me additional pleasure to observe, that you have therein acted under no other influence than a due sense of your duty, both as members of a general empire, and as the body of a particular province.

"It will always be my desire that freedom and independence should prevail in your councils, and that the whole credit of your proceedings therein should be placed to your own account. It will be a sufficient honour for me to preside over a people whose motives to loyalty and public spirit arise from their own breasts.

FRA. BERNARD."

His Excellency again spoke as follows to the two Houses of Assembly on the 27th of May 1762:

"Whatever shall be the event of the war, it must be no small satisfaction to us, that this province hath contributed its full share to the support of it. Every thing that has been required of it hath been most readily complied with; and the execution

cation of the powers committed to me, for raising the provincial troops, hath been as full and complete as the grant of them was. Never before were regiments so easily levied, so well composed, and so early in the field, as they have been this year; the common people seemed to be animated with the spirit of the general court, and to vie with them in their readiness to serve the King.

"The ample provision which has been already made, leaves me nothing to ask for the immediate service of the King.

FRA. BERNARD."

The following is a true copy of the message which his Majesty sent down to the House of Commons every year, from 1759, till the conclusion of the war:

GEORGE Rex.

26^o *Die Aprilis* 1759^o.

"His Majesty being sensible of the zeal and vigour with which his faithful subjects in North America have exerted themselves in defence of his Majesty's just rights and possessions, recommends it to this House to take the same into consideration, and to enable his Majesty to give them a proper compensation for the expences incurred by the respective provinces, in the levying, clothing, and pay of the troops raised by the same, according as the active vigour and strenuous efforts of the respective provinces shall appear to merit.

G. R."

Upon which the House resolved, April 30, "That a sum not exceeding two hundred thousand pounds be granted to his Majesty upon account, to enable his Majesty to give a proper compensation to the respective provinces in North America, for the expences incurred by them in the levying, clothing, and pay of the troops raised by the same, according as the active vigour and strenuous efforts

of the respective provinces shall be thought by his Majesty to merit."

Similar resolutions followed yearly every message. And though this compensation did not exceed one fourth part of what they expended, they were satisfied with these most honourable of all testimonies, that they had not been backward in contributing their share towards the general defence of the empire.

His Majesty's Surveyor-General of the Northern district in America, transmitted to the Lords of the Treasury in 1764, a charge of corruption in his office and collusion with smugglers, supported by the oaths of credible witnesses, against Governor Bernard; for which the surveyor general received the thanks of the treasury-board, and Governor Bernard was suffered still to hold that office he had abused, and has been admitted as the principal accuser and witness against the people of the Massachusetts-Bay.

On the 10th of March 1764, the House of Commons resolved, "That it may be proper to charge certain stamp duties in the colonies and plantations:" but did not at that time form any bill for the purpose.

On the 5th of April 1764, an act passed for imposing duties in America by the British parliament, for the purpose of raising a revenue.

In consequence of these proceedings, the House of Representatives of the Massachusetts-Bay came to resolutions, "That the sole right of giving and granting the money of the people of that province, was vested in them as their legal representatives; and that the imposition of duties and taxes, by the Parliament of Great-Britain, upon a people who are not represented in the House of Commons, is absolutely irreconcilable with their rights. That no man can justly take the property of another without his

his consent, upon which original principle the right of representation in the same body which exercises the power of making laws for levying taxes, one of the main pillars of the British Constitution, is evidently founded: that the extension of the powers of the court of admiralty within this province, is a most violent infraction of the right of trial by jury,—a right which this house, upon the principles of their British Ancestors, hold most dear and sacred, it being the only security of the lives, liberties, and property of his Majesty's subjects. That this house owe the strictest allegiance to his most Sacred Majesty King George the Third,—and that they have the greatest veneration for the Parliament.

In February 1765, a Bill for raising a revenue in America by duties on stamps, &c. received the royal assent. Petitions from the several assemblies of America against the passing of this act, were rejected by the Parliament, or not received, on the pretence of a rule, that petitions should not be received against a money bill, and this was a money bill.

Upon the arrival of this act in America, every assembly on the continent came to resolutions against the right of imposing taxes upon them unrepresented and without their consent. The House of Representatives of the Massachusetts-Bay, observing the little attention paid to separate petitions, resolved, 'That it was highly expedient there should be a meeting as soon as might be, of committees from the Houses of Representatives in the several colonies on the American continent to consult on the present circumstances, and the difficulties to which they were reduced by the operation of the late acts of Parliament for levying duties on the colonies, and to consider of a general address to his

Majesty and the Parliament, to implore relief.' Letters were transmitted accordingly to the Speakers of the other Assemblies, and three persons elected to attend a congress on the part of this province.

In the mean time some disturbances arose in the town of Boston. The representation of these disturbances was inflamed with the strongest colouring in various letters from Governor Bernard to the Lords of Trade, though he knew the inhabitants had publicly condemned these proceedings, as appears from the following vote of the town:

'At a legal Meeting of the Freeholders and other Inhabitants of the Town of Boston, at Faneuil Hall, August 27th, 1765.'

The town having an utter detestation of the extraordinary and violent proceedings of a number of persons unknown, against some of the inhabitants of the same, the last night,—vote unanimously, that the select men and magistrates of the town be desired to use their utmost endeavours, agreeable to law, to suppress the like disorders for the future, and that the freeholders and other inhabitants will do every thing in their power to assist them therein.

Voted, that the inhabitants of this town will be ready on all occasions to assist the select men and magistrates in the suppression of all disorders of a like nature that may happen, when called upon for that purpose.

Att. William Cooper, Town Clerk.'

In truth, the whole proved to be nothing more than 'some injury' offered to private property, for which the assembly afterwards voted a compensation.

On the 25th of October 1765, there being no stamp papers, the council and House of Representatives, to avoid the mischievous consequences of a total stop to all public business,

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business, resolved, that it might be lawful to do business without stamps.

The congress consisting of a Committee of Representatives from several provinces, met at New York the first of October 1765. The motives and views with which the congress was called, are thus stated by the House of Representatives of Massachusetts-Bay: 'Had the colonies been fully heard by the Parliament, it is possible their decisions with respect to the late acts for levying duties and taxes on the colonies, might have been different. However, the House of Representatives think, it their duty not to cease petitioning, and have accordingly, this present session, wrote to the Speakers of the several Houses of Representatives of the several colonies on the continent, proposing a meeting at New York on the first Tuesday of October next, of committees of the Houses of Representatives of the several colonies, to consult together on their present circumstances, and the difficulties to which they are and must be reduced by the operation of the late acts of parliament, and to prepare a united, dutiful, humble, and loyal representation of their condition to his Majesty and his Parliament, imploring relief. And it is humbly hoped, that decent and dutiful applications for the preventing or even altering such acts of Parliament as they apprehend can be made to appear to be grievous, will not be thought sufficient grounds to charge us with the want of the most profound respect for that august body. In confidence of having free access to that fountain of national justice, the House rest assured that all necessary relief will be afforded, and that the liberties and privileges their constituents at present enjoy, will remain secure.'

Signed, SAM. WHITE, Speaker.

The congress summoned upon these

principles, met and acted upon them. They resolved, 'That the only representatives of the people of the colonies are persons chosen therein by themselves, and that no taxes ever have been, or can be, constitutionally imposed upon them but by their respective legislatures. That all supplies to the crown being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution, for the people of Great Britain to grant to his Majesty the property of the colonists. That it is the indispensable duty of these colonies to the best of sovereigns, to the mother country, and themselves, to endeavour, by a loyal and dutiful address to his Majesty, and humble applications to both Houses of Parliament, to procure the repeal of the act for granting and applying certain stamp duties, of all clauses of any other act of Parliament whereby the jurisdiction of the Admiralty is extended, and of the other late acts for the restriction of American commerce.'

They also drew up a petition to the King, in which they say, 'Our subordinate legislatures are in effect rendered useless by the late acts of Parliament imposing duties and taxes on these colonies, and extending the jurisdiction of the courts of admiralty beyond its antient limit: statutes by which your Majesty's commons in Great Britain undertake absolutely to dispose of the property of their fellow subjects in America without their consent, and for the enforcing whereof they are subjected to the determination of a single judge, in a court unrestrained by the wise rules of the common law, the birthright of Englishmen, and the safeguard of their persons and properties.'

'The invaluable rights of taxing ourselves, and trial by our peers, of which we implore your Majesty's protection,

section, are not, we most humbly conceive, unconstitutional, but confirmed by the great charter of English Liberty. On the first of these rights, the Honourable the House of Commons found their practice of originating money bills—a right enjoyed by the Kingdom of Ireland; by the Clergy of England, till relinquished by themselves—a right, in fine, which all other your Majesty's English subjects, both within and without the realm, have hitherto enjoyed.

So far were they from any thought or desire to draw into question, or to deny the sovereignty of his Majesty in his Parliament, or to arrogate to themselves the sole right of making laws, that, in their petition to the House of Commons, they declare the reverse in these words:

'We most sincerely renognize our allegiance to the crown, and acknowledge all due subordination to the Parliament of Great Britain, and shall always retain the most grateful sense of their assistance and protection. We esteem our dependance on, and connection with Great Britain, as one of our greatest blessings, and apprehend the former will appear to be sufficiently secure, when it is considered, that the inhabitants in the colonies have the most unbounded affection for his Majesty's person, family, and government, as well as for the mother country, and that their subordination to the Parliament, is universally acknowledged.'

These petitions however were not received, on pretence of their being from a body not legally assembled, and unknown to the constitution.

In January 1766, the House of Representatives were obliged to complain of Governor Bernard's having, together with his council, assumed a legislative power, in ordering an act of Parliament, or as he styles it an ordinance, to be registered among

the laws of the province; which was never done before, but by act of Assembly*. This just complaint against the usurpation of the Governor, has been individually represented as an attack upon the authority of Parliament†; whereas in truth it had no relation to that authority.

In January 1766, petitions were presented from the merchants of London, Bristol, and Glasgow, to both Houses of Parliament, representing the great injury that would accrue to their property, and to the commerce of this Kingdom, from the operation of the Stamp Act, and praying for its repeal.

The repeal of it took place accordingly on the 19th March following.

The Assembly of Massachusetts-Bay, upon the repeal being known, formed and transmitted an humble address of thanks to his Majesty, and letters of the most grateful acknowledgement to their illustrious patrons and friends in either House of Parliament. Soon after this passed a bill for granting compensation to the sufferers during the disorders occasioned by the Stamp Act; agreeably to his Majesty's recommendation, in consequence of the address of both Houses of Parliament, his Majesty's pleasure being signified to them by Mr. Secretary Conway.

The Assembly also conformed themselves to the mutiny act, though it touched the privilege of granting freely their own money, for which they had so strenuously contended. But they complied, as well from an

* But the most interesting objection, which is not avowed, and therefore cannot receive a formal answer, is, that an American representation will take away all pretences for disputing the ordinances of Parliament. Governor Bernard's letter 1764, p. 59. And again, p. 72. and 54.

† See extract of Governor Bernard's letter in the Lords report, p. 7.

abhorrence of renewing the late dispute which had given them so much pain, as from a confidence in his Majesty's then servants, whom they regarded as friendly to their liberties and rights.

Their satisfaction in, and gratitude for the repeal of the stamp act, produced a conduct so studiously void of offence, that Governor Bernard could not avoid giving his testimony of it in his letters to the Earl of Shelburne, Secretary of State, as follows :

The House from the time of opening the session to this day, has shewn a disposition to avoid all dispute with me; every thing having passed with as much good-humour as I could desire, except only their continuing to act in addressing the King, remonstrating to the Secretary of State, and employing a separate Agent. It is the importance of this innovation, without any willfulness of my own, which induces me to make this remonstrance, at a time when I have a fair prospect of having, in all other business, nothing but good to say of the proceedings of this House.

They have acted in all things, even in their remonstrance, with temper and moderation; they have avoided some subjects of dispute, and have laid a foundation for removing some causes of former altercation.

I shall make such a prudent and proper use of this letter, as I hope will perfectly restore the peace and tranquility of this province, for which purpose considerable steps have already been made by the House of Representatives.

Such was the temper and moderation with which the people were disposed to seek relief from the grievances they felt. We shall presently see what steps were artfully taken to move them from that moderation, and compel the mob into riots and

tumults, which were to be visited upon the town, and made the pretext for introducing a military force.

The new revenue act passed on the 29th of June 1767; a little more than a year after the repeal of the stamp act.

The House of Representatives, in their petition to the King, touching this act, expressly acknowledge the supreme power of Parliament. 'With great sincerity, permit us, (say they,) to assure your Majesty, that your subjects of this province ever have, and still continue to acknowledge your Majesty's High Court of Parliament the supreme legislative power of the whole empire.'

In their letters to the ministry, they say, 'The subjects in this province, and undoubtedly in all the colonies, however they may have been otherwise represented to his Majesty's ministers, are loyal; they are firmly attached to the mother state; they always consider her interest and their own as inseparably interwoven, and it is their fervent wish that it may ever so remain. All they desire is, to be restored to the standing upon which they were originally put, to have the honour and privilege of voluntarily contributing to the aid of their sovereign when required. They are free subjects; and it is hoped the nation will never consider them as in a tributary state.' And again, 'All they desire is to be placed on their original standing, that they may still be happy in the enjoyment of their invaluable privileges, and the nation may still reap the advantage of their growth and prosperity.'

That their prayers might be more likely to obtain success from being united with the supplications of all the colonies, they transmitted a circular letter to the other assemblies, informing them—That the House had humbly represented to the ministry

nistry their own sentiments; that his Majesty's high Court of Parliament is the supreme legislative power over the whole empire; that in all free states the constitution is fixed; and as the supreme legislative derives its power and authority from the constitution, it cannot overleap the bounds of it, without destroying its own foundation. That the constitution ascertains and limits both sovereignty and allegiance, and, therefore, his Majesty's American subjects, who acknowledge themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the English constitution. That it is an assential, unalterable right in nature, ingrafted into the British constitution as a fundamental law, and ever held sacred and irrevocable by the subjects within the realm, that what a man has honestly acquired is absolutely his own, which he may freely give, but which cannot be taken from him without his consent. That the American subjects may, therefore, exclusive of any consideration of charter rights, with a decent firmness adapted to the character of freemen and subjects, assert this natural constitutional right. They add—'That as they have too much reason to believe, that the enemies of the colonies have represented them to his Majesty's ministers and the parliament, as factious, disloyal, and shewing a disposition to make themselves independent of the mother country, they have taken occasion, in the most humble terms, to assure his Majesty and his ministers, that, with regard to the people of this province, and, as they doubt not, of all the colonies, that charge is unjust.'

In consequence of this, Governor Bernard laid before the house, on the 21st of June, 1768, the following requisition:

'It gives great concern to his Ma-

jesty to find, that the same moderation which appeared by your letter to have been adopted at the beginning of the session, in a full assembly, had not continued; and that instead of that spirit of prudence and respect to the constitution, which seemed at that time to influence the conduct of a large majority of the members, a thin house at the end of the session should have presumed to revert to, and resolve upon a measure of so inflammatory a nature as that of writing to the other colonies, on the subject of their intended representation against some late acts of Parliament. His Majesty considers this step as evidently tending to create unwarrantable combinations, to excite an unjustifiable opposition to the constitutional authority of Parliament, and to revive those unhappy divisions and distractions, which have operated so prejudicially to the true interests of Great Britain and the colonies. It is the King's pleasure, that so soon as the general court is again assembled, at the time prescribed by the charter, you should require of the House of Representatives, in his Majesty's name, to rescind the resolution which gave birth to the circular letter from the Speaker, and to declare their disapprobation of, and dissent to that rash and hasty proceeding. His Majesty has the fullest reliance upon the affection of his good subjects in the Massachusetts-Bay, and has observed with satisfaction, that spirit of decency, and love of order, which has discovered itself in the conduct of the most considerable of its inhabitants.—If the new assembly should refuse to comply with his Majesty's reasonable expectation, it is the King's pleasure that you should immediately dissolve them.

Whitehall, April
22, 1768.

HILLSBOROUGH.'

This letter produced universal apprehen-

prehenſion and diſcontent not only in the Maſſachuſetts-Bay, but in all America. A demand, attended with a penalty of diſſolution, ſeemed a command, not a requiſition, leaving no deliberative or diſcretionary power in the aſſembly; and the ground of it being a petition to the King, guarded with a moſt explicit declaration of the ſupreme legiſlative power of Parliament, it wore the ſevere and dreadful appearance of a penal prohibition againſt petitioning. It was in effect ſaying, you ſhall not even preſume to complain; and reducing them below the common ſtate of ſlavery, in which, if men complain, with decency, they are heard, unleſs their maſters happen to be monſters. It warmed moderation into zeal, and inflamed zeal into rage. Yet ſtill there appeared a diſpoſition to expreſs their grievances in humble petitions. All the aſſemblies on the continent, in answer to a requiſition of ſimilar import to that already mentioned, aſſerted the right of the ſubject to petition for redreſs of grievances. They joined in petitions, ſtating the impoſition of taxes upon them without their conſent, and the abolition of juries in revenue cauſes, as intolerable grievances, from which they prayed relief.

The Houſe of Representatives of Maſſachuſetts-Bay drew up a letter to the Earl of Hillsborough, Secretary of State, in which they vindicate their conduct from the aſperſions thrown upon it in the Governor's letters; and add, 'It is an inexpressible grief to the people of this province, to ſee repeated cenſures falling upon them, not from Miniſters of State alone, but from Maſteſty itſelf, grounded on letters and accusations from the Governor, a ſight of which, though repeatedly requeſted of his Excellency, is reſuſed. There is no evil of this ſort, which they ſo ſenſi-

bly feel, as the diſpleaſure of their ſovereign. It is a puniſhment which they are ſure his Maſteſty will never inſlict, but upon a representation of the juſtice of it, from his ſervants, in whom he conſides. Your Lordſhip will allow the houſe to appeal to your own candour, upon the hardſhip of their being made to ſuffer ſo ſevere a miſfortune, without their ever being called to answer for themſelves, or even made acquainted with the matters of charge alledged againſt them; a right, to which, by the common rules of ſociety, founded in the eternal laws of reaſon and equity, they are juſtly entitled. The Houſe of Representatives of this province have more than once, during the adminiſtration of Governor Bernard, been under the neceſſity of entreating his Maſteſty's miniſters to ſuſpend their further judgment upon ſuch representations of the temper of the people, and the conduct of the aſſembly, as they were able to make appear to be injurious. The ſame indulgence this houſe now beg of your Lordſhip; and beſeech your Lordſhip to patronize them ſo far as to make a favourable representation of their conduct to the King our Sovereign: it being the higheſt ambition of this houſe, and of the people whom they repreſent, to ſtand before his Maſteſty in their juſt character, of affectionate and loyal ſubjects.'

On the 10th of June a ſeizure was made of a ſloop faſtened to the wharf, with an armed force, and the ſeizure carried by violence to the Man of War. That this ſeizure was made with every circumſtance of violence and inſult which could irritate a mob, is proved by the oaths of 13 eye-witneſſes, whoſe credibility has never been impeached. Unhappily the irritation ſucceeded but too well. The collector and comptroller who made the ſeizure in that manner, were

were treated with great indignity and personal injury by the mob*.

About the same time the Captain of the men of war lying in the harbour at Boston, pressed some seamen belonging to the town, in violation of an act of Parliament for the encouragement of trade to America, which says, 6 Anne, chap. 27. § 9. "No mariner, or other person, son, who shall serve on board, or be retained to serve on board, any privateer, or trading ship or vessel, that shall be employed in any part of America, nor any mariner, or person, being on shore in any part thereof, shall be liable to be impressed or taken away, by any officer or officers of or belonging to her Majesty's ships of war."

The inhabitants of Boston, to prevent the tumults which might be apprehended from so dangerous an infraction of law, were assembled, and drew up a petition to the Governor, praying his interposition to prevent such alarming outrages. The Governor, however, refused upon various pretexts, to interfere.

The following words of their petition will shew to what state of alarm, anxiety, and despair, these proceedings had reduced them. "Dutiful petitions, say they, have been preferred to our most gracious Sovereign, to which (tho' to the great consternation of the people, we now learn they have been cruelly and insiduously prevented from reaching the royal presence) we have waited to

receive a gracious answer, with the greatest attention to the public peace, until we find ourselves invaded with an armed force, seizing, impressing, and imprisoning the persons of our fellow subjects, contrary to express acts of Parliament. Menaces have been thrown out fit only for barbarians, which already affect us in the most sensible manner, and threaten us with famine and desolation, as all navigation is obstructed, upon which alone our whole support depends, and the town is at this crisis in a situation nearly such as if war were formally declared against it.

"To contend against our Parent State is, in our idea, the most shocking and dreadful extremity; but tamely to relinquish the only security we and our posterity retain of the enjoyment of our lives and properties, without one struggle, is so humiliating and base, that we cannot support the reflection. We apprehend, Sir, that it is in your option, in your power, and we would hope in your inclination, to prevent this distressed and justly incensed people from esteeming too much, or from the shame and reproach of attempting too little."

The riot upon the seizure of the sloop was exaggerated into treason and rebellion. The commissioners fled from the town in pretended fear of their lives; affidavits were taken in secret and *ex parte*, and the comptroller Mr. Hallowell was dispatched home, to give administration the most horrible idea of the people. Governor Bernard's letters to the Secretary of State contained a direct charge of treason against forty persons, not one of whom was prosecuted, because the whole was a forgery, calculated to meet the change of system which Governor Bernard has since informed us, they then knew had taken place at London, and

* That the seizure was unjust is plain from this, that they were obliged to restore the vessel, after detaining her a long time, not being able to find any evidence to support a prosecution. The suits too for enormous sums against a number of persons, brought in the court of admiralty, being found insupportable, were, after long continuance, to the great expence and trouble of their persons, dropped, by a declaration of the King's advocate that his Majesty would prosecute no farther; —but the prosecuted could obtain no costs or damages, for so is the law.

and encourage the rigorous measures which the new system was to pursue.

Unhappily it succeeded too well. Troops were sent to Boston, where they landed the 1st of October 1768. But a difficulty now arose, about quartering the troops in the town contrary to an act of Parliament. The Governor, however, soon determined to cut the knot he could not untie. He therefore issued a commission, to dispense with the law and establish quarters for the troops in the town. I speak from his own letter.

Thus the people saw two acts of Parliament, made for their protection, wantonly and with impunity violated; while those which were to their feelings highly unjust and oppressive, were to be rigorously executed with a military force. Nothing could be devised more irritating, except the manner in which the quartering the soldiers was executed. They filled the general assembly room, the court house, and Faneuil hall, where the town meetings were assembled. When the general assembly met, the main guard was planted with a number of field pieces at, and pointed into the very door of the assembly house. Every species of insult and outrage was, as if purposely, practised to drive the people into some violent act, which should justify the letting loose the military upon them.

In consequence of the various violations of those laws which should have protected them, the minds of the people were in the most dangerous state of alarm and agitation. To prevent the destructive commotions which might be apprehended from such a disposition, the moderate and well disposed inhabitants of Boston petitioned the Governor to call an assembly, that the popular turbulence might be quieted by their con-

fidence in and respect for their own legislature. The Governor, however, thought proper to refuse them this relief; they therefore summoned a convention of deputies from the different townships, as the only means of composing the agitation of men's minds, (from which they otherwise expected the worst consequences,) by their confidence in persons deputed by themselves, to enter into a wise and cool consideration of their grievances, and the constitutional means of obtaining redress. The select men of Boston have expressed these motives in the following passage of their circular letter:—'Deprived of the counsels of a general assembly in this dark and difficult season, the loyal people of this province will, we are persuaded, immediately perceive the propriety and utility of the proposed committee of convention, and the sound and wholesome advice that may be expected from a number of gentlemen chosen by themselves, and in whom they may repose the greatest confidence, must tend to the real service of our most gracious Sovereign, and the welfare of his subjects in this province, and may happily prevent any sudden and unconnected measures, which, in their present anxiety, and even agony of mind, they may be in danger of falling into.'

The convention met on the 22d of September 1768, and drew up an humble petition to his Majesty, imploring relief. 'With great sincerity, say they, permit us to assure your Majesty, that your subjects of this province, of which we are a part, ever have acknowledged and still continue to acknowledge your Majesty's high Court of Parliament the supreme legislative power of the whole empire. The superintending authority of which is clearly admitted in all cases that can consist with the fundamental rights of nature, and

and the constitution to which your Majesty's happy subjects in all parts of your empire conceive they have a just and equitable claim.

It is therefore with the deepest concern that your humble suppliants would represent to your Majesty, that your Parliament, the rectitude of whose intentions is never to be questioned, has thought proper to pass divers acts, imposing taxes on your Majesty's subjects in America, with the sole and express purpose of raising a revenue. If your Majesty's subjects here shall be deprived of the honour and privilege of voluntarily contributing their aid to your Majesty in supporting your government and authority in the province, and defending and securing your rights and territories in America, which they have always hitherto done with the utmost cheerfulness: if these acts of Parliament shall remain in force; and your Majesty's Commons in Great Britain shall continue to exercise the power of granting the property of their fellow subjects in this province, your people must then regret their unhappy fate, in having only the name left of free subjects.

The troops which had landed at Boston without the least opposition, determined, as it was natural to expect, to make the disturbance they were disappointed in not finding. They offered a variety of insults to the peaceable inhabitants, and one of their officers was detected in attempting to excite the Negroes to rebel; till at last a party of soldiers under the command of Captain Preston, fired upon the people on the 5th of March 1769, killing six, and wounding many more. So intolerable an outrage assembled the people, who were so much incensed, that it was thought prudent for the troops to evacuate the town.

The removal of the troops restored

the tranquillity of the town and the good-humour of the people, the principal of whom exerted themselves to palliate the conduct of Captain Preston, and obtain for him a favourable trial. To this end, he was tried separately from the soldiers, and he was acquitted, because no evidence could depose that they heard him give orders to fire.—Indeed, the noise of the tumult was so great, that if he had given such orders, which he denied, none could have heard him but the soldiers among whom he stood.—When the soldiers came to be tried, they pleaded the orders of their Captain, which they durst not disobey. And on the belief of this as a truth, the humane jury acquitted them also. An instance of great temper and equity in a people so exasperated.

It was not however intended that the quiet of the town and province should continue long. New modes of irritation were applied, to drive the people into violence and despair.

Mr. Robinson, one of the commissioners who had attempted to assassinate Mr. Otis, was dispatched to England immediately after the affair of the 5th of March, with a case said to be that of Captain Preston, though directly repugnant to what he had published under his own hand. This case had been secretly drawn up, and was as secretly transmitted. The purpose of it was to throw the charge of being the aggressors upon the people, and that the soldiers fired upon them in their own defence, and to save the custom-house from being plundered. This statement was accompanied by minutes of council framed by the Secretary himself, and secretly sworn to, in which one of his Majesty's council was represented, as declaring that there had been a premeditated design and plan of a general insurrection formed by the people, of which this

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attack

attack upon the guard was the first step. Absurd as it was to suppose that the people had planned and began to execute an insurrection, and yet not a man appear in arms, for no such thing was pretended; still the example of the success and impunity with which Governor Bernard had accused them specifically of treason, without being able to prove a tittle of it, was enough to encourage Governor Hutchinson, and his Brother-in-law the Secretary, to repeat a similar charge on this occasion, which they knew would operate for the time, and being made secretly, they trusted it would not be known, so as to meet a refutation. Mr. Commissioner Robinson arrived in London, and his State, &c. was circulated through the ministry and members of parliament, and, supported by his personal applications, inflamed them against the province. In the mean time, the town proceeded to draw up their narrative of the affair founded upon affidavits taken openly, with notice given to all persons concerned to attend and cross-examine the witnesses. Upon this open and fair enquiry, it appeared by the testimony of near an hundred persons, that the soldiers were the aggressors, having fired upon the people without sufficient provocation, and without the intervention of, or even application to the civil magistrate.

It was not until October 1770, that the representation and affidavit of their secretary, Mr. Oliver, reached his Majesty's council at Boston, in a pamphlet which had been published in London, to justify the proceedings of the military on the 5th of March 1769, and accuse the people. The member to whom he had imputed the words, which were calculated to convey the idea of an insurrection having been planned by the people, publicly made oath, that the

Secretary had misrepresented his words, and that he never knew, or heard, or even thought of any such Plan. The other members of council who were present also made oath, that Mr. Oliver's account was a misrepresentation; and the council came unanimously to the following resolutions: "That Andrew Oliver, Esq. secretary of this province, by secretly taking minutes at council, of what was said by the members of the council, in their debates, also by signing a paper containing those minutes, and further by giving his deposition to the truth of it, has, in each and all those instances, acted inconsistently with the duty of his office, and thereby is guilty of a breach of trust.

Mr. Oliver, thus stigmatized, was soon after appointed lieutenant-governor of the province. Unhappily this wore the appearance of rewarding for his treachery to the council and his enmity to the people, which tended necessarily to diminish the confidence and respect due to government, and to spread discontent through the province.

On the 13th of May 1770, Governor Hutchinson held the assembly at Cambridge, obliging them to quit Boston, where all the public records and conveniences for carrying on business, were lodged. The two Houses remonstrated against this, not only as highly inconvenient and distressing to them, and an embarrassment to public business, but an infringement of their chartered rights. Notwithstanding this, the assembly was continued there for two sessions without any reason being given but mere will and pleasure (signified in instructions from the minister) and then it was adjourned to Boston, not as an act of graciousness, but of caprice. It was impossible but that such proceedings must have irritated men's
minds,

minds, and raised among all ranks of people a spirit of discontent and distrust.*

The proceedings in England were not more conciliating.

Governor Bernard had, by various false and inflammatory representations centered upon the province the whole force of royal and parliamentary indignation. He had expressly accused certain persons of a treasonable design, their names, as he pretended, being enrolled for the purpose, to seize the castle and turn it against the King's troops.

This intelligence produced the following address from the House of Lords to the King, on the 15th of December 1768, concurred in by the Commons on the 9th of February, 1769.

"As we conceive, that nothing can be more immediately necessary, either for the maintenance of his Majesty's authority in the said province, or from guarding his Majesty's subjects therein from being further deluded by the arts of wicked and designing men, than to proceed in the most speedy and effectual manner for bringing to condign punishment the chief authors and instigators of the late disorders, to beseech his Majesty, that he will be graciously pleased to direct his Majesty's Governor of Massachusetts-Bay to take the most effectual methods for procuring the fullest information that can be ob-

* The Assembly of South Carolina was about the same time removed from Charleston to Port Royal, a remote place unfit to accommodate them. This method of harassing assemblies into the measures of a ministry, seems borrowed from the favourite minister of Henry III. who, "to work his ends (as Gascoign tells us) caused the Parliament to sit in villibus et remotis partibus regni, where few people, propter defectum hospitii et viaticulium, could attend, and by shifting that assembly from place to place to enforce (in the author's words) *illos paucos qui remanebunt de communitate regni, concedere regi quamvis pessima.*"

tained touching all treasons, or misdemeanors of treason, committed within his government since the 30th day of December last, and to transmit the same, together with the names of the persons who were the most active in the commission of such offences, to one of his Majesty's principal secretaries of state, in order that his Majesty may issue a special commission for enquiring of, hearing and determining the said offences within this realm, pursuant to the provisions of the statute of the 35th year of the reign of King Henry the Eighth, if his Majesty shall, upon receiving the said information, see sufficient ground for such a proceeding."

His Majesty's answer was:

"I shall not fail to give those orders which you recommend, as the most effectual method of bringing the authors of the late unhappy disorders in that province to condign punishment."

But Governor Bernard thus armed with all the powers of government, was unable to substantiate his accusation against a single person. The purposes for which the accusation was devised were fully answered. An odium had been fixed upon the people, a military force had been sent, which promised to create the very rebellion he had falsely declared to exist, for the purpose of procuring that force.

The manner in which he proceeded in his endeavours to stir up resistance and create disorders, is thus described in the narrative of the town, and which he has never been able to contradict:

Governor Bernard, without consulting the council, having given up the state house to the troops at their landing, they took possession of the chambers where the representatives of the province and the court of law held their meetings; and (except the

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council chamber) of all other parts of that house; in which they continued a considerable time, to the great annoyance of those courts while they sat, and of the merchants and gentlemen of the town, who had always made the lower floor of it their exchange. They had a right so to do, as the property of it was in the town; but they were deprived of that right by mere power.—The said Governor soon after, by every stratagem and method, but a forcible entry, endeavoured to get possession of the manufactory house, to make a barrack of it for the troops; and for that purpose caused it to be besieged by the troops, and the people in it to be used very cruelly; which extraordinary proceedings created universal uneasiness, arising from the apprehension that the troops, under the influence of such a man, would be employed to effect the most dangerous purposes; but failing of that, other houses were procured, in which, contrary to act of Parliament, he caused the troops to be quartered. After their quarters were thus settled, the main guard was posted at one of the said houses, directly opposite to, and not twelve yards from the state-house, (where the general court and all the law courts for the county were held) with two field pieces pointed to the state-house. This situation of the main guard and field pieces seemed to indicate an attack upon the constitution, and a defiance of law; and to be intended to affront the legislative and executive authority of the province.

The general court, at the first session after the arrival of the troops, viewed it in this light, and applied to Governor Bernard to remove such an offence, but to no purpose. Disgusted at such an indignity, and at the appearance of being under duress, they refused to do business in

such a situation, and were removed to another place, to the great inconvenience of the members.

Besides this, the challenging the inhabitants by centinels posted in all parts of the town, occasioned many quarrels and great uneasiness. It was fully proved against Captain Wilson of the 59th Regiment, that he was exciting the Negroes of the town to take away their master's lives and property, and repair to the army for protection. To these were added various outrages, such as the soldiers attacking and insulting the magistrates of the town, rescuing their fellows from the peace officers, firing loaded muskets in the streets to the great alarm and danger of the peaceable inhabitants, and wounding persons frequently and wantonly with their bayonets and cutlasses.

These insults and outrages did not, however, produce the insurrection that was wished; but an humble petition from the representatives of the people to his Majesty against the author of all those evils Governor Bernard.

This petition was voted the 27th of June 1769. The Governor prorogued the assembly to January 10th, 1770, and came over to England. On the 25th of October, he presented a petition to bring the charges against him to a hearing. In the mean time orders were sent to the lieutenant-governor, Mr. Hutchinson, to prorogue the assembly to the 14th of March, which was done accordingly. Notwithstanding the agent represented the impossibility of the assembly even knowing that their petition was to be heard, much less transmitting evidence in support of the allegations it contained, that this impossibility was created by the very person accused, and who, in the face of that, called upon them to support their charge, to which the agent added

ded an humble prayer, that the hearing might be deferred till convenient time was given for the meeting of the assembly and transmission of evidence: yet the petition was ordered peremptorily to a hearing on the 28th of February, when, in default of evidence, the several charges in it were declared groundless, vexatious and scandalous, and that the petitioning could only be with a view of keeping up a spirit of clamour and discontent in the said province.

Thus the people had the grief and mortification to find, that whether they were the accusers or the accused, they were sure of being censured and condemned. This man had been instrumental in bringing upon them the odium of disaffection and rebellion; he had shut the ear of the King and parliament against their applications for redress of grievances; he had contributed to the having a military force sent to dragoon them; he had, in violation of an express act of parliament, quartered those troops in their town, with every circumstance of insolence and outrage; he had subjected them to the intolerable oppression of being dragged three thousand miles, upon mere suspicion, to struggle for their lives and property, without friends and without witnesses, against all the force of ministerial prosecution. Yet it was conceived that to petition against such a man could only flow from factious motives, and because his own agency in proroguing the assembly rendered it impossible they should even know it was required of them to support their charges against him, those charges were pronounced groundless and malicious. With the feelings of men they could not but be sensibly affected by these proceedings, which, to speak in the language of the poet, preaching to stones would make them capable.

To heighten the colouring of these

transactions, orders were sent in 1771 to the Governor, to refuse his assent to any tax bill which should include the commissioners of customs. These gentlemen, whose officious and incendiary zeal against that country had raised them to office, were to be distinguished more than the first men in this country, by an exemption from sharing in the common burdens of the community.

In 1772, the Judges salaries were ordered to be paid out of the extorted revenue, and not by grants from the representatives of the people, as had been the constant usage. Nothing could alarm the people more than this establishment, as it struck at once at the very root of the impartial administration of justice. The inhabitants of Boston say in their address to the Governor, that "as the judges hold their places *during pleasure*, this establishment was big with the most fatal evils."

Both Governor Bernard and Governor Hutchinson had repeatedly represented the discontent and opposition, as arising from a factious few in Boston; and that the province in general were averse to their measures, and satisfied with their situation. To ascertain the general sentiments of the people, a committee was appointed at Boston, to represent their sense of grievances to the rest of the townships, and take their opinion upon them. This was accordingly done, the 2d of November 1772. The rest of the towns concurred most unanimously in the same sense of grievances, and desire of having them redressed.

On the 6th of January 1773, Governor Hutchinson, in his speech to the two Houses of Assembly, challenges them to a controversy upon the supreme legislative authority of parliament. The assembly, in their answer, take up the question as a point of

of argument and speculation, refuting his arguments, and controverting his conclusions. It was a question, which, of themselves, they had never ventured to agitate, and they entered into it now, when publicly provoked to it, with avowed reluctance.—“We have the highest respect,” say they, “for that august body the Parliament, and do not presume to prescribe the exact limits of its authority. Yet, with the deference that is due to it, we are humbly of opinion, that as all human authority, in the nature of it, is and ought to be limited, it cannot constitutionally extend, for the reasons we have above suggested, to the levying of taxes in any form on his Majesty’s subjects of this province. These are great and profound questions. It is the grief of this House, that by the ill policy of a late injudicious administration, America has been driven into the contemplation of them. And we cannot but express our concern, that your Excellency by your speech has reduced us to the unhappy alternative, either of appearing by our silence to acquiesce in your Excellency’s sentiments, or of thus freely discussing this point.”

The most charitable construction of this conduct in the Governor is, that it was prompted by indiscreet zeal; the most probable conjecture is, that it was a snare laid for the two Houses to draw them into such a denial of the supreme legislative authority of this country, as might expose them to its utmost indignation. Whether it arose from malice or indiscretion, most certainly it was courting the discussion of a question which common sense and common honesty would have wished to cover with a sacred and impenetrable veil. But the two Houses, though compelled into the discussion of the right as a speculative point, had no idea of drawing it into

question-practically. For in March following, the House of Representatives transmitted a letter to the secretary of state, (the Earl of Dartmouth) in which they thus state the exercise of that power, which was questionable as to the right and grievous in its operation.

“Your Lordship is well acquainted with the several acts, by which the British Parliament have thought proper, within a few years past, to raise a revenue in America, without our consent. The many and weighty reasons against, and objections to those acts, are so well known and understood by your Lordship, that we shall not take off your attention to the great affairs of the nation, by particularly mentioning them at this time: we only beg leave to say that we apprehend they tend to injure our commerce and subvert our liberties, and therefore are unjust, impolitic, and destructive of the real interest of the whole empire.”

The same temper and moderation appears in the letter addressed by both Houses to the Earl of Dartmouth.

Province of the Massachusetts-Bay,
June 29th. 1773.

*My Lord.**

“The re-establishment of the union and harmony that formerly subsisted between Great-Britain and her colonies is earnestly to be wished by the friends of both. As your Lordship is one of them, the two Houses of the Assembly of this province beg leave to address you. The original causes of the interruption of that union and harmony may probably be found in the letters sent from hence to administration, and to other gentlemen of influence in parliament, since the appointment of Sir Francis Bernard to the government of this province; and there is great reason to apprehend, that he and his coadjutors originally re-

*The Right Hon. the Earl of Dartmouth.

commended and laid the plans for the establishing the American revenue, out of which they expected large stipends and appointments for themselves, and which, through their instrumentality, has been the occasion of all the evils that have since taken place.

“ When we had humbly addressed his Majesty, and petitioned both Houses of Parliament, representing our grievances, and praying for the repeal of the revenue acts, the like instruments, and probably the same, exerted themselves to prevent those petitions being laid before his Majesty and the Parliament, or to frustrate the prayer of them. Of this we have just had some new and unexpected evidence from original letters of Governor Hutchinson and Lieutenant-Governor Oliver; in which the former particularly and expressly, by his letter of the 10th of December 1768, endeavoured, in co-operation with Governor Bernard, to frustrate a petition of a number of the council for the repealing those acts, and to procure his Majesty’s censure on the petitioners; and the letters of the latter, by the disadvantageous idea conveyed by them of the two Houses of Assembly, manifestly tended to create a prejudice against any petitions coming from a body of such a character; and his letter of the 11th of May 1768 in particular, mentions the petition of the House of Representatives to his Majesty, and their letters to divers noble Lords, with such circumstances as had a tendency to defeat the petition, and render the letters of no effect.

“ It is now manifest, my Lord, what practices and arts have been used to mislead administration, both in the first proposal of American revenue acts, and in the continuance of them: but when they had lost

their force, and there appeared, under the influence of your Lordship, a disposition in Parliament to repeal those acts, his Excellency Governor Hutchinson, in his speech at the opening of the last session of the general court, was pleased to throw out new matter for contention and debate, and to call on the two Houses, in such a pressing manner as amounted to little short of a challenge to answer him. Into such a dilemma were they brought by the speech, that they were under a necessity of giving such answers to it as they did, or having their conduct construed into an acquiescence with the doctrines contained in it, which would have been an implicit acknowledgment that the province was in a state of subjection differing very little from slavery. The answers were the effect of necessity, and this necessity occasioned great grief to the two Houses. The people of this province, my Lord, are true and faithful subjects of his Majesty, and think themselves happy in their connection with Great Britain.

“ They would rejoice at the restoration of the harmony and good will that once subsisted between the parent state and them: but it is in vain to expect this happiness during the continuance of their grievances, and while the charter rights, one after another, are wrested from them. Among these rights is the supporting of the officers of the crown by grants from the assembly; and in an especial manner, the supporting of the judges in the same way, on whose judgment the province is dependent in the most important cases, of life, liberties, and property. If warrants have not yet been, or if they already have been issued, we earnestly beg the favour of your Lordship’s interposition to suppress or recal them.

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If your Lordship should condescend to ask what are the means of restoring the harmony so much desired, we should answer in a word, that we are humbly of opinion, if things were brought to the general state in which they stood at the conclusion of the late war, it would restore the happy harmony which at that time subsisted.

“Your Lordship’s appointment to be principal Secretary of State for the American department has given the colonies the highest satisfaction. They think it a happy omen, and that it will be productive of American tranquility, consistent with their rights as British Subjects. The two Houses humbly hope for your Lordship’s influence to bring about so happy an event, and in the mean time they can with full confidence rely on your Lordship, that the machinations of Sir Francis Bernard, and other known enemies of the peace of Great-Britain and her colonies, will not be suffered to prevent or delay it.

“This letter which has been agreed on by both Houses, is in their name, and by their order, signed and transmitted to your Lordship, by, my Lord, your Lordship’s most obedient, and very humble servant,

THO. FLUCKER, Secretary.”

(COPY.)

In the mean time the representatives of the people have omitted no opportunity of laying their griefs at the foot of the throne, with the most humble supplications for relief.

Their petition to the King in 1772 speaks thus:—“The inhabitants of this province had long shared in the blessings of good government under the mild administration of your Majesty and your royal predecessors, until your British Parliament saw fit to pass divers acts for the express purpose of raising a revenue in America, without the consent of your subjects

inhabiting therein. It was this that filled the minds of your subjects of this province with discontent; being grieved that your Majesty’s council should advise to a measure, which in a great degree deprives them of the rights and liberties of free and natural subjects granted to them by the charter. The House of Representatives did, in the year 1768, demonstrate to your Majesty this grievous infraction of their dearest rights of Englishmen. Our hearts are too deeply impressed with loyalty and affection to your Majesty’s person and family to imagine, that a failure of the redress then prayed for, can be imputed to any want of paternal regard in your royal mind for all your subjects. It becomes us rather to suppose, that the petition and complaint, unfortunately for us, did not reach the throne.”

They repeat the same subject of complaint in their petition of 1773, in these words: “The Parliament of Great-Britain, in which your subjects here are not and cannot be represented, hath exercised a power of raising a revenue within the province, to the great grief and distress of your Majesty’s people, and, we conceive, in repugnance to the royal charter. Your petitioners did, at the last session of this assembly, make their humble supplication to your Majesty, praying the interposition of your royal clemency for the redress of their grievances; but we know not whether our petition was ever laid before your Majesty.”

Besides the causes of uneasiness and irritation already mentioned, sundry instructions have been sent to the governor of this province, since the year 1770, which tended to keep the people in continual alarm and discontent. The nature of these instructions

tions is full explained in the following extract from a letter of the House of Representatives, to the Earl of Dartmouth.

“ We cannot refrain from expressing our strongest apprehensions, that the instructions which have of late been given to the governor by the ministry, if persisted in, will entirely destroy our liberties, and subvert our happy constitution. In pursuance of instructions, the garrison of our principal fortress, Castle-William, has been withdrawn, and a garrison of his Majesty's regular troops, over whom the governor has declared he has no controul, placed in their stead. By this means the governor has no longer that command of this fortress, which he is vested with by the royal charter. Upon this occasion we would refer it to your Lordship's consideration, whether the establishment of the office, and power of a military commander in chief, not subordinate to, but independent of, uncontrouled by, and in some instances superseding the power and authorities already granted to the governors and captains-general of the provinces, with a jurisdiction extending over the whole continent of America, is not repugnant to law, and to the principles of prudence and sound policy; and must not be very alarming to all those who have any regard for the liberties of the constitution either of Great-Britain, or of the colonies.

“ By virtue of instructions, the honourable his Majesty's council are forbid to meet and transact matters of a public concern, as a council of advice to the governor, unless called by the governor; and if they should so meet at any time, the governor is ordered to negative them at the next election.

“ Notwithstanding the charter fully authorises and empowers the gene-

ral court to impose and levy proportionable and reasonable rates and taxes upon the estates and persons of all and every the proprietors and inhabitants of the province, yet the Governor has been instructed not to give his consent to any law or laws, by which the commissioners, or any person employed in the King's service, whose offices have no peculiar relation to this province, shall be taxed. This we conceive is repugnant to the privilege granted by charter, which makes the general court the only proper judges, who are to be exempted from taxes.—By instruction also, the Governor is forbid to give his consent, upon any pretence whatever, to any vote or order for the payment of any salary or allowance to any person or persons appointed to negotiate the affairs of the province in Great Britain, other than such as shall be thereunto appointed by an act of the whole legislature, or by a vote of the House of Representatives, to which the Governor and council respectively have given their concurrence. Of what service can such an agent be to the province, especially while matters which so nearly affect the very fundamentals of the constitution are in dispute. For if he must receive his instructions from all the branches of the legislature, as may, and undoubtedly will be insisted on, can it be expected they will agree in a set of instructions in our present critical situation? If it should be said that either branch would have a right to instruct the agent separately, yet it may happen, especially if the agent be equally obliged to pursue his instructions from each branch, that in the most important matters the instructions will be various and contradictory, which must totally deprive us of any benefit from his agency, in all such cases. In short, it is de-

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feating us of every valuable purpose, as we conceive, that might accrue to the province by an agent at the court of Great Britain. Moreover, with such an agent, under the direction of the three branches, will it not be utterly impracticable for the assembly ever to lay before their Sovereign their complaints against the corrupt and arbitrary administration of a Governor? Self-defence, my Lord, whether it regard individuals or bodies of men, is the first law of nature. The right of defence includes all means requisite and proper for that defence, and consequently a right to appoint and support their own defender. It must therefore appear, that the house has, more especially when their dearest rights are at stake, a clear and just right to appoint an agent for themselves, without the concurrence of the Governor.

“It must be apparent to your Lordship, that while our judges hold their commissions during pleasure only, if they are to receive their support from the crown, independent of the free grants of the people, they will be dependent on the crown both for their places and support; and we should submit to your Lordship’s consideration, whether this be not a situation in which no man could wish to be, who is properly impressed with a sense of human depravity, or who has a due regard for justice. In such a case, what decisions must the people expect, when the dispute lies between prerogative and privilege?”

“We beg your Lordship’s candid attention to the unhappy circumstances of the province; and hope the representation we have made of our grievances will meet with a favourable reception. The colonies are far from being insensible of their happiness, in being connected with the mother country, and of the mutual

benefits derived from it; and shall at all times esteem it our glory to cultivate, as far as our influence may extend, the warmest sentiments of loyalty and affection to his Majesty, and to promote a happy union and harmony between the subjects of Great Britain and those of the colonies. We are greatly aggrieved. We think it our indispensable duty to point out to your Lordship our grievances; we have frequently done it heretofore to administration. We have failed of success. Instead of being relieved, our grievances have been increased. Our constituents are justly and universally alarmed, and filled with anxious concern at the present posture of affairs.”

It is proper to say a single word about agency, Mr. De Berdt was appointed by the House only, 7th November 1765; he was admitted, without the least question, as agent, at the Board of Trade, under different administrations, and Governor Bernard gave his assent to a Bill for paying his salary so late as the year 1768. It happened to be the duty of the agent soon after to convey the complaints of his constituents to the throne, both against the minister and the governor. In this business a faithful honest agent was found exceedingly troublesome. Such representations were therefore made by the governor, and such instructions sent by the minister, as incapacitated the House from paying their agent, unless they would have one approved of by the very persons against whom it might be his duty to act. This measure needs no comment. It is not in human depravity to devise an act of more gross injustice, than that of debarring men of the means of defending themselves when accused, or of complaining when injured.

With

With all these repeated disappointments and accumulated grievances ranking in the minds of the people, the House of Representatives received, through the hands of their agent, some original letters written by their Governor and Lieutenant Governor to persons of influence in England. These letters contained a most unfavourable representation of the principles and proceedings of the people, and of their representatives. They called for punishment upon individuals, and restraints upon the whole by an abridgement of their liberties. The means of altering the charter, and of new modelling the constitution of the colony, so as to render the crown absolute, were pointed out with a malignant ability. Strong injunctions were added of the necessity of finding out some way, "to TAKE OFF the original incendiaries," lest they should "continue to instil their poison into the minds of the people."

These letters were read with grief, astonishment, and indignation. The people viewed the writers of them in the most criminal light. They considered them as the intentional authors of all their past calamities, and the enemies of their future peace and happiness. What aggravated the crime was, that these men were their countrymen, had always professed the warmest wishes for the welfare of the province and of the people; and in consequence of those professions, had obtained their highest confidence and respect. This character was peculiarly competent to one of the letter writers. He was the *Strafford* of his time. The secret manner in which the letters had been conveyed, made the treachery tenfold more terrible and offensive.

The House of Representatives

voted an humble petition to the King for the removal of these governors, "who had rendered themselves justly obnoxious to the people, and entirely lost their confidence."—His Majesty's council in the province resolved, at the same time, that it would be for his Majesty's service, and the peace of the province to remove them.

This petition was heard before a Committee of the Lords of the Privy Council, where an illiberal lawyer was hired and permitted to abuse the petitioners and their agent, in the grossest terms scurrility could invent; and the Lords reported, "That the petition was groundless, vexatious and scandalous, and calculated only for the seditious purposes of keeping up a spirit of clamour and discontent in the province. That nothing had been laid before them which did or could, in their opinion, in any manner, or in any degree impeach the honour, integrity or conduct of the governor or lieutenant governor."

It is curious to observe that Mr. Hutchinson, in his history, has described his own situation in that of Governor Dudley, in the year 1705. "The people (says he) in general, looked upon him as an enemy, next to the privileges of the new charter. Sir *Henry Asburst* procured an original letter, wrote by the governor's son *Paul*, who was then Attorney general, to Mr. *Floyd*, and sent it to *New England*, in which were these expressions, *the government and colledge are disposed of here in chimney corners, and private meetings, as confidently as can be—This country will never be worth living in, for gentlemen and lawyers, till the charter is taken away.* Copies were dispersed about the province, and the letter was soon after printed."

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Sir

Sir Henry Ashurst was agent for the province, and a man of high character, credit, and honour. Mr. Hutchinson passes no censure on this action, neither does it appear to have been censured at the time. Not that Wedderburns were wanting, but that the times did not countenance their scurrility.

In December 1773, a large quantity of tea, shipped by the East India company, with the duty imposed by Parliament to be paid in America, arrived at Boston. All the colonies to which the tea under the same circumstances was destined, had publicly resolved that it should not be admitted. The directors of the East India company had been forewarned of its fate, and an offer made before it was shipped to pay the duty here. But the tea was destined to produce the commotions it occasioned, and the offer was rejected. The people met in Boston, and insisted on the tea being sent back. The governor refused to permit the ship to return, upon which some persons in disguise destroyed it in the night. It is manifest that the governor intended to urge them to this extremity, or else he would have acted, as General Haldimand writes he expected Governor Tryon would do, "to prevent dangerous extremities, rather chuse to permit the teas should be sent back to England." The same was permitted at Philadelphia, and the tea actually sent back on the 27th of December. General Haldimand declares this was the determination of every colony. "The several governors (says he) of other provinces, will undoubtedly make your Lordship acquainted with the opposition intended, and made in their respective governments against the landing the tea; the whole proceeding

from an almost unanimous resolution not to pay any new duties or taxes laid by the Parliament of Great Britain."

Governor Hutchinson's son and his near relation were the consignees of the tea, and the persons most interested in the sale of it. As the consignees had refused to resign the tea, their windows were broke by the mob. Upon this they applied to his Majesty's council for protection, who came to the following report upon the application.

"In council Nov. 27, 1773, the petition of Richard Clark, Esq; and others (to whom the East India company have consigned a quantity of their tea) being referred to this day, the same was taken up; and after long debates, Mr. Dansforth, Mr. Bowdoin, Mr. Dexter, and Mr. Winthrop, were appointed a committee thereon, who reported, and the report after debate was referred for further consideration to Monday next, at ten o'clock, A. M.

"Monday, Nov. 29, 1773. The said report was again considered, and after some amendment unanimously agreed to. It is as follows:

"Previous to the consideration of the petition before the Board, they would make a few observations occasioned by the subject of it. The situation of things between Great Britain and the colonies has been for some years past very unhappy. Parliament on the one hand has been taxing the colonies, and they on the other have been petitioning and remonstrating against it; apprehending they have constitutionally an exclusive right of taxing themselves, and that without such a right their condition would be but little better than slavery. Possessed of these sentiments, every new measure of Parliament, tending to establish

establish and confirm a tax on them, renews and increases their distress; and it is particularly increased by the act lately made, empowering the East India company to ship their tea to America.

"This act in a commercial view they think introductive of monopolies, and tending to bring on them the extensive evils thence arising: but their great objection to it is from its being manifestly intended (though that intention is not expressed therein) more effectually to secure the payment of the duty on tea, laid by an act passed in the 7th year of his present Majesty, intitled, 'An act for granting certain duties in the British Colonies and Plantations in America;' which act in its operation deprives the colonists of the right above-mentioned (the exclusive right of taxing themselves) which they hold to be so essential an one, that it cannot be taken away, or given up, without their being degraded, or degrading themselves below the character of men. It not only deprives them of that right, but enacts that the monies arising from the duties granted by it may be applied "as his Majesty or his successors shall think proper or necessary, for defraying the charges of the administration of justice, and the support of the civil government, within all or any of the said colonies and plantations."

"This clause of the act has already operated in some of the colonies, and in this colony in particular, with regard to the support of civil government, and thereby has operated in diminution of its charter rights, to the great grief of the good people of it, who have been, and still are, greatly alarmed by repeated reports, that it is to have a further

operation with respect to the defraying the charge of the administration of justice, which would not only be a further diminution of those rights, but tend in all constitutional questions, and in many other cases of importance, to bias the judges against the subject. They humbly rely on the justice and goodness of his Majesty for the restitution and preservation of those rights.

"This short state of facts the Board thought necessary to be given, to shew the cause of the present great uneasiness, which is not confined to this neighbourhood, but is general and extensive. The people think their exclusive right of taxing themselves by their representatives infringed and violated by the act above-mentioned; that the new act, empowering the East India company to import their tea into America, confirms that violation, and is a new effort, not only more effectually to secure the payment of the tea duty, but lay a foundation for the enhancing it; and in a like way, if this should succeed, to lay other taxes on America; that it is in its attendants and consequences ruinous to the liberties and properties of themselves, and their posterity; that as their numerous petitions for relief have been rejected, the said new act demonstrates an unwillingness in ministry that parliament should grant them relief; that this is the source of their distress that borders on despair; and that they know not where to apply for relief.

"These being the sentiments of the people, it is become the indispensable duty of the Board to mention them, that the occasion of the late demands on Mr. Clark and others (the agents for the East India company) and of the consequent disturbances,

turbances, might appear: and we mention them, not to justify those disturbances, the authors of which we have advised should be prosecuted, but to give a just idea of the rise of them.

" On this occasion, justice impels us to declare, that the people of this town and province, though they have a high sense of liberty, derived from the manners, the example and constitution of the mother country, have, till the late parliamentary taxations of the colonies, been as free from disturbances as any people whatever.

" This representation the board thought necessary to be made prior to their taking notice of the petition of the agents above-mentioned; to the consideration of which they now proceed.

" The petitioners beg leave to resign themselves, and the property committed to their care, to his Excellency and the board, as guardians and protectors of the people, praying that measures may be directed to for the landing and securing the tea, &c.' With regard to the personal protection of the petitioners, the board have not been informed, that they have applied for it to any of the justices of the peace; within whose department it is to take cognizance of the case of the petitioners, and of all other breaches of the peace; they being vested by law with all the authority necessary for the protection of his Majesty's subjects. In the principal instance of abuse,* of which they complain, the board have already advised, that the authors should be prosecuted according to law; and they do advise the same in the other instances mentioned in their petition.

" With regard to the tea committed to the care of the petitioners, the

* Some of their windows were broken.

board have no authority to take either that or any other merchandize out of their care; and should they do it, or give any order or advice concerning it, and a loss ensue, they apprehend they should make themselves responsible for it. With respect to the prayer of the petition, " that measures may be directed to for landing and securing the tea," the board would observe on it, that the duty on the tea becomes payable, and must be paid, or secured to be paid, on its being landed. And should they direct or advise to any measure for landing it, they would of course advise to a measure for procuring the payment of the duty, and therefore be advising to a measure inconsistent with the declared sentiment of both Houses in the last winter session of the general court, which they apprehend to be altogether inexpedient and improper.

" The board, however, on this occasion assure your Excellency, that as they have seen, with regret, some late disturbances, and have advised to the prosecuting the authors of them, so they will, in all legal methods, endeavour, to the utmost of their power, to prevent them in future.

" Whereupon advised, That his Excellency renew his orders to his Majesty's justices of the peace, sheriffs, and other peace officers, to exert themselves to the utmost for the security of his Majesty's subjects, the preservation of peace and good order, and for preventing all offences against the law."

On the 18th of February 1774, the whole House of Representatives waited on the governor with a second petition, for the removal of the chief justice, who had rendered himself incapable, by accepting a salary from the crown, at whose will he also held his place. They say, " Your Excellency will please to consider that
this

this House is well acquainted with the general sense of their constituents in this matter; and we can now assure you, that the continuance of the chief justice in his place, will increase the uneasiness of the people without doors, and endanger the public tranquillity. We therefore earnestly intreat your Excellency, that while we are in this instance employing the powers with which we are entrusted in promoting the tranquillity and good order of government, 'we may,' agreeably to your declaration in your speech to both Houses, 'find that you are ready to give your consent to a request of the House intended for that and other great and important purposes:' and that your Excellency will immediately take every step for the removal of the chief justice from the superior court."

The governor returned them a positive denial, accompanied with a curious piece of equivocation. The House had prayed that he would take the advice of his Majesty's council upon their petition, conformable to the charter.—To which he answers, That though he was by charter to act with the advice and assistance of his council, yet the summoning of the council was *in his discretion*. Thus was the protective provision of the charter effectually evaded.

This is a full and fair state of the proceedings in and respecting the province of the Massachusetts-Bay, from the year 1762 to 1774.

The candid reader will judge what causes of discontent have been given them, and whether they have operated beyond their natural bounds. If they have been particularly unquiet, they have also been particularly irritated and injured. Imagining ourselves in their situation, will, I believe, prevent us from severely censuring their conduct.

It is manifest that they have constantly expressed their complaints in petitions conceived in the most measured language of subordination and respect. That they have repeatedly acknowledged the supreme legislative authority of parliament. That the only instance in which they seem to have questioned it, was in a mere speculative dispute, purposely provoked by the governor. That the constant subject of their complaints has been the having their money taken from them without their consent; the substituting a dependant judge, bribed by being paid out of the forfeitures, to determine in all causes of revenue, by the rules of the civil law, and without a jury; and the violation of their security in the due administration of government and of justice, by rendering the governor and judges *totally* dependent on the crown. That their wish has been to return to the state in which they were before the passing these laws and sending these instructions, and not to become independent of Great-Britain. This appears not only from their repeated and authentic declarations, but from Governor Hutchinson's letters. 'The enemies of government (so is he pleased to stile the Council, the House of Representatives, and the people) gave out, that their friends in parliament were increasing, and all things would be soon on the old footing; in other words, that all acts imposing duties would be repealed, the commissioners board dissolved, the customs put on their old footing, and illicit trade be carried on with little or no hazard.' The malignity of this reflection upon the people, will plainly appear from the following declaration of Governor Bernard, whose testimony in their favour will hardly be questioned. 'I do not pretend, says he, that this province is *entirely* free from the breach of those laws (of trade,)

trade,) but only that such breach, if discovered, is *surely punished*. What more can be said of the best country upon earth? Yet Governor Hutchinson does not scruple to charge them with having been all smugglers, and to throw an odium upon their struggling for their rights by the imputation of their sole object being to renew that illicit trade with impunity.

It must also appear from their proceedings, that their great crime has been their constancy in petitioning for redress of grievances; which has been attempted to be repressed, even by the most unjustifiable means of refusing them an agent to vindicate them when misrepresented, and support their complaints. While this common right of justice is denied them, persons are notoriously hired here to load them in the public papers with every species of opprobrium, falsehood, and abuse. There are two things which deserve the most particular attention: 1st, That whenever affidavits were taken on the part of the people, they were taken in public, with summonses to all persons concerned to attend, and cross examine the witnesses: on the contrary, those which were obtained by the governor and commissioners, accusing the people, were made in secret, the persons accused unapprized and totally ignorant of the proceeding, they were transmitted in secret, and the injured persons by mere accidents, and after they had operated to their hurt, had an opportunity of seeing and refuting them. The instances on both sides will be found in the affidavits taken on the seizure of the sloop Liberty, and the riot, and in Mr. Oliver's affidavit, and the narrative of the town, respecting the massacre on the 5th of March. 2d. That the chief and almost only continual witnesses against the people,

are, the Governors Bernard and Hutchinson: the former of whom has long laboured under an accusation upon oath of gross corruption in his office; the latter has been detected in the basest plot against their liberties; and both are at open enmity with the people, having been petitioned against by their representatives, as universally odious. How far the representatives of men so circumstanced can be presumed fair and impartial, or deserve credit, must be left to the candid to determine.

We have seen their petitions either intercepted, or treated with a contemptuous silence, or answered with the severest censures. Seven years supplication has brought no relief. And now, to fill up the measure of their misfortunes, their port is stopp'd up, their charter is to be subverted, and a lawless army let loose upon them. They have been tried, condemned and punished, unheard and unapprized of the whole proceeding. They are left to weep over their apprehensions, realized in the utter subversion of their liberties. This accumulation of calamities is heaped upon them, because high and strong resentments, as they naturally must, have followed severe and reiterated injuries: because discontent has arisen from disappointed and despised complaints; and violence from insulted discontent.

Whoever will take the trouble of reading, in the history of this most meritorious and unhappy people, the unparalleled hardships with which they purchased those liberties we have now torn from them; and view the deplorable, the desperate situation, to which they are now reduced—however obdurate, however prejudiced he may be, he must think, at least, *one human tear may drop, and be forgiven.*

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